



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

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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**

Seventh periodic report of States parties due in 2016

Chile*

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Abbreviations and acronyms

CONADI	National Indigenous Development Corporation
DEM	Aliens and Migration Department of the Ministry of the Interior and Public Security
GENCHI	National Prison Service
INCAMI	Chilean Catholic Institute for Migration
INDH	National Human Rights Institute
INE	National Institute of Statistics
ISP	Institute of Public Health
JUNAEB	National School Support and Scholarships Board
JUNJI	National Kindergartens Board
MDS	Ministry of Social Development
MERCOSUR	Southern Common Market
MINECON	Ministry of Economic Affairs, Development and Tourism
MINEDUC	Ministry of Education
MINSAL	Ministry of Health
MINJUS	Ministry of Justice and Human Rights
MINREL	Ministry of Foreign Affairs
MITP	Intersectoral Panel on Trafficking in Persons
MMA	Ministry of the Environment
MMEG	Ministry for Women and Gender Equity
MOP	Ministry of Public Works
OHCHR	Office of the United Nations High Commissioner for Human Rights
ONEMI	National Emergency Office
PDI	Investigative Police
SEGEOB	Office of the Minister and Secretary General of Government
SENADIS	National Service for Persons with Disabilities
SENAME	National Service for Minors
SERNAM	National Service for Women
SERNAMEG	National Service for Women and Gender Equality

I. Introduction

1. In accordance with article 18 of the Convention on the Elimination of All Forms of Discrimination against Women, the Government of Chile presents its seventh periodic report to the Committee on the Elimination of Discrimination against Women. This document contains an analysis of the articles of the Convention, including the main themes related to the situation of women in Chile, and takes stock of the protection of women's human rights. It also contains replies to the concluding observations adopted by the Committee at its fifty-third session, in October 2012, after consideration of the country's fifth and sixth periodic reports.

2. This document covers the period 2012-2016 and has been drawn up by the Ministry for Women and Gender Equity, assisted by the Human Rights Directorate of the Ministry of Foreign Affairs, on the basis of information provided by institutions of the various branches of government, with particular emphasis on the diversity of the country's women.

II. Implementation of the Convention

A. Articles 1 to 3: Discrimination and equality

(a) Definition of equality and non-discrimination

Draft amendments to Act No. 20.609 on measures against discrimination

3. Currently, the Office of the Minister and Secretary General of Government coordinates the preparation of draft amendments to the existing legislation. The amendments reflect the recommendations of international organizations and broaden the nature and scope of Act No. 20.609. The Ministry for Women and Gender Equity is contributing substantially to that process so as to ensure that the amendments embrace the gender perspective, recognizing the discrimination to which women have historically been subject.

The concepts of equity and equality

4. Under article 1 of Act No. 20.820 creating the Ministry for Women and Gender Equity, the Ministry shall work on "the design, coordination and evaluation of policies, plans and programmes for *promoting gender equity and equal rights* and eliminating all forms of arbitrary discrimination against women". That provision draws a clear distinction between the two concepts.

5. Thus, the State recognizes that equity and equality are not synonymous. Equity is a means for achieving equality. That endeavour is an international obligation aimed at eliminating discrimination against women and ensuring, *de jure* and *de facto*, full formal and substantive equality between men and women.

(b) National machinery for the advancement of women*Institutional framework*

6. Since its creation in 1991, the National Service for Women has succeeded in mainstreaming the gender perspective across all State institutions so that, in their activities, they take into account the differing needs of men and women, thereby promoting gender equality. However, the Service's capacity for independent action and its powers were limited by its administrative dependence on the Ministry of Social Development. That called for a new institutional framework for gender matters to bridge any persisting gaps, improve legislation and propose further measures to speed up the achievement of substantive equality in all areas covered by the Convention.

7. Against that backdrop, Act No. 20.820, creating the Ministry for Women and Gender Equity and amending legal provisions specified in the Act, was promulgated on 20 March 2015. In addition to creating the Ministry, the Act reshaped the institutional structure by retaining the National Service for Women, but with changed functions and a new name, the National Service for Women and Gender Equality. In the new system, the responsibilities related to formulating and evaluating policies on women were separated and assigned to the new Ministry, which, acting as the governing body, shall ensure the coordination, consistency and coherence of gender equality policies, plans and programmes, while the responsibilities related to the implementation of such policies, plans and programmes were assigned to the National Service for Women and Gender Equality.

8. The Council of Ministers for Gender Equality was set up to promote the mainstreaming of gender equality in the ministries and services and provide relevant technical assistance, so that the gender perspective cuts across all State policies and activities. In addition, the Technical Advisory Committee began its work, headed by the Ministry for Women and Gender Equity and consisting of all ministerial advisers on gender and all the sectoral boards on gender. In the regions, the Regional Commissions on Gender Equity were established, and ratified by decision of the regional intendants.

9. Note should be made of the promulgation of Act No. 20.885 Creating the Office of the Undersecretary for Human Rights and Adapting the Ministry of Justice Organization Act. The purpose of the new Office, scheduled to take up its functions on 1 January 2017, is “to assist and directly cooperate with the Minister of Justice and Human Rights in designing and formulating policies, plans and programmes for the promotion and protection of human rights”.¹ Moreover, the Act created the Interministerial Committee for Human Rights, responsible for “advising the President of the Republic on specifying the general outline for the Government’s intersectoral policy on human rights”.²

(c) Violence against women

10. The national strategy for coordinating the action of State bodies, civil society and international organizations, implemented through the National Plan of Action

¹ Article 8 of the Act.

² Article 10 of the Act.

on Violence against Women, 2014-2018, aims to prevent, punish and eradicate violence against women.

11. The above National Plan comprises the following four strategic areas: (i) prevention of violence against women; (ii) coordination and strengthening of the system of care; (iii) access to justice and effective punishment; (iv) information and knowledge concerning violence against women.

Prevention and training

12. The main activities in this area are the Comprehensive Programme for the Prevention of Violence against Women and the National Programme to Train Community Advisers on Gender Violence Issues. Under the second programme, which is implemented in 88 communes in the country's 15 regions and seeks to prevent gender violence through coordination and strengthening of the local social fabric, 1,417 male and female advisers have been trained.

13. In the area of training, note should be made of an e-learning course on tools for dealing with violence against women. The course aims to build the capacities of actors at the forefront of preventing such violence and providing care for the victims, thereby improving the State's response. Of the 475 civil servants who participated in that training in 2016, 22.1 per cent were law enforcement officers.³

14. The judiciary has enhanced the activities and programmes for training judges so that, sensitized to all forms of violence against women, they may provide appropriate assistance to the victims. Instruction includes, in the Judicial Academy training programme, a course entitled "Gender Roles and Stereotypes" and designed for candidates for the junior levels of the judiciary; and, in the further training programme for active members of the judiciary, a course entitled "Gender and Sexuality" and delivered partly through distance learning.

15. On 8 July 2016, the Supreme Court in plenary session approved the creation of the Technical Secretariat for Gender Equality and Non-discrimination, the entity responsible for promoting policies and measures designed to ensure that the members of the judiciary function in an egalitarian working environment free from violence and discrimination and that all persons enjoy equal access to justice.

System of care

16. The Programme for Care, Protection and Redress in Cases of Violence against Women includes the following channels of action: women's centres, shelters, centres for men who use violence against their partners, shelters for women victims of human trafficking, rehabilitation support centres for women victims of sexual assault, and helplines.

³ Participants in the course were civil servants of the Ministries of Education, Justice and Human Rights, Health, and the Interior and Public Security; the judiciary; the Public Prosecution Service; the Public Criminal Defender Service; the Carabineros (police); the Investigative Police; the Forensic Medical Service; the National Kindergartens Board; the National Service for Older Persons; and the National Service for Women and Gender Equality.

Shelters

17. Shelters are designed to provide temporary accommodation to women over 18 with or without children, who are highly vulnerable as a result of violence used by their partner.

18. The network of protection facilities for women victims of grave violence has been strengthened as part of the Government programme of President Bachelet. Since 2014, 20 new shelters have been opened throughout the country, while five more are scheduled to open in 2017 (see annex, section B.1).

Women's centres

19. Women's centres aim to provide psychological care and social and legal assistance to women victims of violence. In 2015, women's centres provided such support to 33,127 women nationwide. Of the country's 103 women's centres, including the Mobile Intercultural Centre in Araucanía, which is active in 288 communes, 6 were opened in 2015.

20. The Mobile Intercultural Centre in Araucanía provides care and gender violence prevention services in the communes of Lonquimay, Lumaco and Ercilla, which have the highest concentration of indigenous people in the country. In its work, the Centre adopts an intercultural approach and, to that purpose, has recourse to intercultural facilitators.

Unified guidelines for detecting risks for women victims of domestic violence

21. In August 2016, the Ministry for Women and Gender Equity, the Public Prosecution Service, the Carabineros (police) and the Investigative Police signed a cooperation agreement for implementing unified guidelines for detecting risks for women victims of domestic violence. That will help to establish basic strategies for actions and procedures coordinated among the above agencies in cases of domestic violence against women, contributing to their timely and effective protection. That measure will also encourage women to report acts of violence by requiring the bodies at the forefront, namely the law enforcement agencies and the Public Prosecution Service, to facilitate the victims' access to justice, informing them officially on when and where they may file a complaint and how to proceed in that connection.

Access to justice and effective punishment

22. In 30 of the 45 cases of femicide perpetrated in 2015, the National Service for Women and Gender Equality, in accordance with its statutory functions, provided legal advice and represented the victims.⁴

⁴ In the remaining 15 cases no complaint was filed for the following reasons: (i) 11 cases were dismissed following the perpetrator's death; (ii) in 3 cases the victim's family rejected judicial representation by the Service; (III) in 1 case, the victim had no family in Chile.

23. In the framework of the National System on Femicide,⁵ an interagency coordination mechanism in operation since 2009 and comprising the National Service for Women and Gender Equality, the National Service for Minors, the Ministry of the Interior and Public Security, the Carabineros and the Investigative Police, the average length of judicial proceedings involving violence against women, from the occurrence of the offence to the final verdict, has been reduced from 17.5 months in 2013 to 15 months in 2014 and 9 months in 2015.

Information and knowledge concerning violence against women

24. In order to compile statistics and other information on the causes, effects and frequency of violence against women, the Ministry for Women and Gender Equity is working on the implementation of a data and statistics bank designed to help to quantify and characterize such violence in the country. The information will be freely accessible on a website. That will also help to evaluate the effectiveness of measures taken to prevent, punish and eliminate the violence in question and to identify any changes required.

Legislation

25. The Government of President Bachelet is committed to, inter alia, amending the current legislation on domestic violence so as to cover all types of gender violence, not only intrafamily or spousal violence.

26. Accordingly, the State is working on draft legislation which addresses the phenomenon of violence against women as a whole; establishes women's right to a life free of violence; lays down general and specific responsibilities regarding prevention, protection and the access of women victims of violence to justice; and provides for amendments to, inter alia, Act No. 20.066 on Domestic Violence, Act No. 19.968 Creating the Family Courts, and the Criminal Code.

27. The preparation of the above draft legislation has been accompanied by a process of reviewing appraisals of current regulations (pursuant to the National Plan on Violence and a Chamber of Deputies evaluation report on Act No. 20.066), international standards in the areas of human rights and comparative law, and discussions held with women's and feminist organizations throughout the country, taking into account relevant parliamentary initiatives.⁶

28. A draft act amending the Criminal Code, Decree-Law No. 645 of 1925 on the Register of Sentences, and Act No. 20.066 on Domestic Violence is currently before Congress (bill No. 9279-07). It increases the penalties and other punishments for crimes committed against minors and other vulnerable persons. The bill is currently

⁵ That System, coordinated by the Victim Support Network of the Office of the Undersecretary for Crime Prevention of the Ministry of the Interior and Public Security, is designed to ensure protection and comprehensive care for children and adolescents indirect victims of femicide, for the family members concerned and for other adult victims. Thus, the definition of a femicide victim according to the protocol is broader than the legal term. Assistance is also provided to victims of homicide by a current or former partner or boyfriend, or of parricide, and in cases in which a woman has murdered her partner, or in which children or adolescents are involved.

⁶ Between 2005, when Act No. 20.066 on Domestic Violence entered into force, up to July 2016, parliamentarians submitted 75 draft acts aimed at improving gender violence prevention and the protection of and care for women victims of violence.

in its second reading in the Senate's special commission on draft legislation on children and adolescents. Bearing in mind the Committee's recommendations,⁷ the executive branch proposed in that bill provisions that (i) establish a single criminal offence of grave mistreatment that also applies to persons covered by Act No. 20.066 on Domestic Violence, (ii) amend that Act to increase the penalty for the offence of habitual mistreatment and (iii) eliminate the preliminary charge that is currently brought by the family courts.

29. A draft act amending the Criminal Code to make sexual harassment in the street an offence is currently before Congress.⁸ It broadens certain provisions in the Code that currently do not cover wrongful acts with a sexual connotation perpetrated against women over 14 in public spaces, so as to encompass forms of violence against women which occur outside the domestic environment. To the same end, a draft act that the executive is currently preparing specifies further criminal offences and broadens the scope of existing provisions, for instance on femicide.

(d) Underprivileged groups of women

Migrant women

30. Chile is gradually becoming a migrants' country of destination. Of the total number of migrants, who account for 2.3 per cent of the population, 52.6 per cent are women (see annex, section B.2.a). In that context, Presidential Instruction No. 5 provided a general outline and guidance for the National Policy on Migration, 2014-2018,⁹ and, based on a comprehensive analysis of the characteristics of migration into Chile, laid down principles for dealing with that phenomenon. Those principles include in particular a cross-cutting approach to human rights, the gender perspective, non-discrimination and the consideration of vulnerable groups.

Social and health-care services

31. In June 2015, through Ministry of Health Circular A 15 No. 06, health services for migrant women were broadened to include birth control methods (including emergency contraception), health education, advice on and promotion of sexual health, prevention of HIV/AIDS and other sexually transmitted diseases (STDs), and access to condoms, with specific provisions regarding care for transmissible illnesses.

32. The State is particularly preoccupied with the situation of pregnant migrant women. An agreement has therefore been concluded between the Ministry of the Interior and Public Security and the above Ministry for maternity protection, facilitating the delivery of a temporary residence permit to alien workers who reside in Chile and are pregnant, improving their access to health services and ensuring care for 12 months after childbirth. In addition, the *Chile Crece Contigo* (Chile grows with you) comprehensive child protection subsystem, through its Programme to Support Biopsychosocial Development and the Programme to Support Newborns,

⁷ Recommendation 19 (a).

⁸ Bill No. 9936-07. It was presented to the Chamber of Deputies on 17 March 2015 and is currently in its second reading in the Senate.

⁹ GAB. PRES. No. 05, General Outline and Instructions for the National Policy on Migration, 6 November 2015.

facilitates access to health services for pregnant women cared for in public facilities, regardless of their migration status.

33. Migrant children and adolescents have access to health services on an equal footing with their Chilean counterparts, regardless of the children's migration status or the migration status of their parents, guardians or legal representatives.

Right to education

34. The Ministry of the Interior and Public Security and the Ministry of Education have launched the *Escuela somos todos* (we all make up the school) programme which facilitates and promotes the integration of the children of migrants residing in Chile into the educational system, granting them a student visa. Since the beginning of its implementation in August 2014, the programme has been instrumental in regularizing the migration status of 1,232 students (see annex, section B.2.a).

35. The National Kindergartens Board is implementing an initiative aimed at facilitating the participation of migrant or refugee women's children under the age of 5 years in preschool education programmes.

(e) Women in detention

Institutions

36. The National Prison Service includes a health department responsible for health care for persons deprived of their liberty. The department administers 78 infirmaries, 3 prison hospitals and 87 prison units. Prison units provide primary care, while prison hospitals provide secondary care, such as emergency medical services and specialized medical attention (inter alia, internal medicine, surgery and traumatology).

Health services

37. Under the *Más sonrisas para Chile* (more smiles for Chile) programme, 200 women deprived of their liberty underwent a comprehensive dental examination in the Arica and Metropolitan regions in 2015. Efforts are currently under way to broaden that activity towards better health services for all women in that situation.

Mainstreaming of human rights standards

38. The National Prison Service published a human rights handbook designed to provide relevant information to the prison system staff in order to raise their awareness of their role in promoting and protecting the human rights of persons deprived of their liberty.

39. In order to improve the functioning of the prison system, the Ministry of Justice and Human Rights, the National Prison Service and academic and civil society organizations are working on a comprehensive revision of Prison Regulations, which is still at the draft stage.

40. The draft provides for human rights standards and the gender perspective. Those elements are reflected in the use of inclusive language and the express recognition of the characteristics and needs of women deprived of their liberty. Their condition is addressed in a special section of the regulations, which lays down

minimum guarantees to be considered in the treatment of the women in question, such as access to social rehabilitation activities, the bond between mother and child, health services and availability of specialized staff. It is hoped that the revised Prison Regulations will take effect in the second half of 2016.

(f) National Human Rights Institute

41. The National Human Rights Institute (INDH) has been accredited by the International Coordinating Committee of National Human Rights Institutions (ICC) as an institution with “A” status, the highest relevant classification of the United Nations. That means that the Institute functions in compliance with the Paris Principles. Indeed, the Institute is today a fully autonomous and pluralistic organization which, at the human and technical levels, makes every possible effort to ensure the promotion and protection of human rights throughout the country. Thereby, the State has implemented the related recommendations formulated by the Committee on the Elimination of Discrimination against Women, the Human Rights Committee¹⁰ and the Human Rights Council as part of the universal periodic review in 2014.¹¹

42. The Institute has been endowed with financial and human resources enabling it to set up regional offices progressively. It is hoped that the Institute will have offices in all of the country’s regions by 2018.

(g) Optional protocol

43. The procedure for the adoption of the draft Act approving the Optional Protocol to the Convention on the Elimination of All Forms of Discrimination against Women (bill No. 2667-10) was initiated by a presidential message of 6 March 2001. On 14 August 2001, the draft Act was approved by the Chamber of Deputies and transmitted to the Senate. Currently, the draft Act is in the second constitutional procedural stage in the Senate Committee on Foreign Relations.

(h) Beijing Declaration and Platform for Action

44. In the framework of the commemoration of the twentieth anniversary of the adoption of the Beijing Declaration and Platform for Action at the Fourth World Conference on Women in 1995, the Government, in cooperation with the United Nations Entity for Gender Equality and the Empowerment of Women, organized a high-level event on “Women in power and decision-making: Building a different world”. The purpose of this event was to bring together women leaders from various sectors and the world’s regions to engage in dialogue on challenges and proposals related to the implementation of the Platform for Action with respect to its critical area G regarding “Women in power and decision-making”; and to strengthen social mobilization and awareness in the area of gender equality and women’s empowerment. In that connection, on 28 February 2015 President Bachelet reaffirmed the State’s commitment to the goals set in the framework of the Beijing

¹⁰ Human Rights Committee. Eighty-ninth session. 12-30 March 2007. Consideration of Reports Submitted by States Parties under Article 40 of the Covenant. Concluding observations of the Human Rights Committee. Chile. [CCPR/C/CHL/CO/5](#), paragraph 6.

¹¹ Human Rights Council. Twenty-sixth session. Universal periodic review. 2 April 2014. Report of the Working Group on the Universal Periodic Review. Chile. [A/HRC/26/5](#).

Platform for Action, signing the “Call to Action”. That statement focuses on three areas involving women’s empowerment for effective exercise of the human rights of women and children, and the eradication of gender inequality.

(i) Millennium Development Goals

45. After adoption of the 2030 Agenda for Sustainable Development, Chile worked on the design of machinery to follow up on and implement the commitments contained therein. The formal outcome was Presidential Decree No. 49 of 24 May 2016 creating the National Council for the Implementation of the 2030 Agenda for Sustainable Development. The Council consists of representatives of the Ministry of Foreign Affairs; the Ministry of the Environment; the Ministry of Social Development; and the Ministry of Economic Affairs, Development and Tourism; and may invite civil-society or private-sector organizations and academics to participate in committees and working groups.

(j) Data collection and analysis

46. In 2014, the National Institute of Statistics established, within the National Statistics Commission, the Subcommission on Gender Statistics, in cooperation with the Ministry for Women and Gender Equity. That permanent Subcommission aims to provide information as a basis for high-impact public policies with a gender perspective.

47. The main product of the Subcommission in 2016 has been a National Institute of Statistics website section with 35 priority indicators related to the advancement of women. They are classified into the following four categories: (i) physical autonomy, (ii) decision-making empowerment; (iii) economic enfranchisement; (iv) learning processes for cultural change. The indicators are compiled in the various relevant public bodies. All published data are gender-disaggregated.

B. Article 4: Temporary special measures

48. Under article 4 of Act No. 20.820 creating the Ministry for Women and Gender Equity, “the Ministry may propose temporary measures, plans and programmes that offer tangible advantages for women or prevent or offset any disadvantages affecting them in the public, political, labour, social, economic or cultural fields, with a view to the greatest possible gender equality”. Thus, with this Act, the Chilean legal system includes specific provisions governing affirmative forms of action that can be used to accelerate the attainment of substantive gender equality in all areas of the Convention.

C. Article 5: Change of sociocultural patterns

Legislative advances

49. Act No. 20.545 amended the provisions on maternity protection and incorporated the postnatal parental leave into article 197 of the Labour Code. That was a significant step towards shared responsibility for raising children.

Subsequently, Act No. 20.891 improved postnatal parental leave and the exercise of the right to day-care facilities in the case of civil servants specified therein.¹²

50. Act No. 20.761, extending to working parents the right to feed their children and improving maternity protection provisions,¹³ entitles both the father and the mother, if they are employed, to decide that the right in question shall be exercised by the father.

51. Under article 3(f) of Act No. 20.820 creating the Ministry for Women and Gender Equity and amending legal provisions specified in the Act,¹⁴ one of the Ministry's functions consists in "promoting changes with regard to social and cultural stereotypes, prejudices and practices, inter alia those based on the idea of inferiority or superiority of either gender or tending to make discrimination against women appear as natural and reproduce it".

Awareness-raising and education initiatives

52. The Guide for Active Paternity and Shared Responsibility for Raising Children, published in December 2013 in the framework of the *Chile Crece Contigo* (Chile grows with you) comprehensive child protection subsystem, aims to encourage and promote equality between fathers and mothers in the tasks of raising children and supporting their development. The guide is distributed to all programme participants, while its educational content is permanently accessible on the subsystem's website and broadcast on the radio.

53. Since 2015, the National Service for Women and Gender Equality has carried out four awareness-raising campaigns against gender stereotypes. The *Regala Igualdad* (give equality) campaign, conducted in December 2015 and August 2016, was designed to encourage gender equality by promoting non-sexist children's toys. In the *¿Por qué las niñas?* (why the girls?) campaign, launched in September 2015, discriminatory situations experienced by girls aged 6-13 were described in order to raise awareness of their rights and bring about change in social behaviour patterns. The *Postula por tus sueños* (apply for your dreams) campaign, implemented in December 2015, aimed to encourage young girls to seek higher education in fields where women are underrepresented. The *Quebreemos los Estereotipos* (let's smash stereotypes) campaign, carried out in August 2016, aimed to shed light on forms of discrimination against women that are based on stereotyped roles that society ascribes to men and women.

54. The Illustrated Guide for Communication without Gender Stereotypes, presented by the National Service for Women and Gender Equality in March 2016, is a handbook for public institutions and the community at large. It encourages reflection on how the media reproduce gender stereotypes; and, in a clear and informative manner, seeks to raise the population's awareness with a view to a more egalitarian culture in which communication will actively contribute to the recognition of women in all their diversity.

¹² Published on 22 January 2016.

¹³ Published on 22 July 2014.

¹⁴ Published on 20 March 2015.

D. Article 6: Human trafficking and exploitation of prostitution

National Plan of Action against Human Trafficking

55. The Intersectoral Panel on Trafficking in Persons, which has been functioning since 2008, is implementing the National Plan of Action against Human Trafficking, approved in December 2013¹⁵ and signed by the National Service for Women and Gender Equality and 18 other public institutions, civil society bodies and international organizations.¹⁶

56. The Plan aims to initiate and implement ongoing activities from a human rights perspective in order to prevent and combat human trafficking in Chile, ensuring the protection of and care for the victims, especially women, children and adolescents. To that end, the Plan comprises four strategic areas: prevention and awareness-raising; detection of crimes and prosecution of perpetrators; victim protection and assistance; and inter-agency coordination and cooperation.¹⁷

Progress on investigation, prosecution and punishment

57. The Public Prosecution Service has taken steps to improve the criminal and procedural aspects of prosecution for the offences in question. Thus, in 2015, the Attorney General issued Note FN No. 575/2015, entitled “General guidelines for dealing with the offences of human trafficking, smuggling of migrants and conspiring to commit such crimes”.¹⁸ The Note analyses the criminal and procedural aspects of Act No. 20.507; establishes rules for dealing with the criminal acts specified therein according to due diligence standards of protection and care for victims of the crimes in question; and addresses matters related to international cooperation.

58. The Investigative Police set up units specialized in human trafficking in the Metropolitan region in 2012, and in the city of Iquique more recently.

59. According to the Intersectoral Panel on Trafficking in Persons,¹⁹ of the 20 human trafficking cases, involving in total 187 victims, which were investigated between April 2011, when Act No. 20.507 was promulgated, and the first half of

¹⁵ Intersectoral Agreement to Approve and Implement the National Plan of Action against Human Trafficking of the Intersectoral Panel on Trafficking in Persons. Santiago, 6 August 2013. Available from: <http://tratadepersonas.subinterior.gov.cl/media/2015/07/MITP-Convenio-Intersectorial-para-aprobar-e-implementar-Plan-de-Accion-Nacional-contra-la-Trata-de-Personas.pdf>.

¹⁶ Ministries of the Interior and Public Security, Foreign Affairs, Defence, Justice and Human Rights, Health, Education, and Labour and Social Security; Labour Directorate, National Service for Minors, Public Prosecution Service, Carabineros, Investigative Police, National Human Rights Institute, International Organization for Migration, Chilean Catholic Institute for Migration, Raíces NGO, Jesuit Service for Migrants, and Humanas Association.

¹⁷ National Plan of Action against Human Trafficking, 2015-2018. Available from: <http://tratadepersonas.subinterior.gov.cl/media/2015/12/Plan-de-Accion-contra-la-Trata-de-Personas-2015-2018.pdf>.

¹⁸ Santiago, 7 August 2015.

¹⁹ Statistical Report, 2011-First half of 2015. Available from: <http://tratadepersonas.subinterior.gov.cl/media/2016/01/Informe-Estad%C3%ADstico-Primer-Semestre-2015.pdf>.

2015, 14 have been concluded. Convictions have been handed down in 8 of those cases (see annex, section D).

60. Of the victims identified, 117 (63 per cent) are men. Most of the 70 women victims had been destined for sexual exploitation (see annex, section D).

Monitoring and evaluation of the implementation of the new legislation

61. The Intersectoral Panel on Trafficking in Persons has played a crucial role in the systematic monitoring and periodic evaluation of the implementation of new legislation. Under clause 8 of the Intersectoral Agreement to Approve and Implement the National Plan of Action against Human Trafficking, the parties, upon completion of the Plan, must evaluate and update the content and activities in each of its lines of action. Thus, after an evaluation carried out by the Panel in April 2015, the Plan was updated and extended to cover the period 2015-2018.²⁰

Referral and identification of human trafficking victims

62. The Guide for the Identification and Referral of Human Trafficking Victims, published in July 2016, describes indications that can help the officials concerned to identify possible trafficking victims. The Carabineros have distributed a document entitled Regional Guidelines for Early Detection of Human Trafficking Situations at Border Crossings, designed for the border units of that institution.

Training and capacity-building in the area of human trafficking

63. The Aliens and Migration Department of the Ministry of the Interior and Public Security has implemented a national capacity-building plan under which 10 workshops on human trafficking were held in 2015. They were attended by 258 staff members of the Department.

64. Since 2011, the Public Prosecution Service has organized various training activities for law enforcement agencies, particularly the Judicial Police; and the Human Trafficking Investigation Division and the expert units of the Care Centre for Victims of Sexual Assault, both of which report to the Investigative Police; and for civil servants of the National Service for Minors, the National Service for Women and Gender Equality, the Aliens and Migration Department, the Forensic Medicine Services, the Labour Inspectorate, the Comprehensive Care Centres for Victims of Violent Crimes of the legal assistance agencies, and the Ministry of Foreign Affairs.

65. In 2014, the above activities include workshops on the gender perspective, human trafficking and sexual exploitation. In those workshops, 92 public prosecutors and other civil servants of the Public Prosecution Service received training in gender mainstreaming in the area of justice and in the elimination of all forms of violence against women, one the most serious manifestations of which consists in human trafficking for the purpose of sexual exploitation.

²⁰ Updated National Plan of Action against Human Trafficking, 2015-2018, p. 19. Available from: <http://tratadepersonas.subinterior.gov.cl/media/2015/12/Plan-de-Accion-contra-la-Trata-de-Personas-2015-2018.pdf>.

66. In the judiciary, a course on juridical, administrative and jurisdictional problems related to immigration and human trafficking was included in the advanced training programme of the Judiciary Academy in 2014, 2015 and 2016. A seminar on human trafficking offences: achievements and challenges, organized by the Ministry of the Interior and Public Security and sponsored by the judiciary, the Ministry of Foreign Affairs, the Office of the United Nations High Commissioner for Human Rights and the National Human Rights Institute, was attended by 50 criminal, family and appeals court judges.

Access to justice and information

67. Public Prosecution Service Note FN No. 575/2015 provides for the referral of victims to the regional victim- and witness-support units for specialized assistance in the form of counselling, protection and support adapted to the particular vulnerability affecting victims of migrant smuggling and human trafficking.

68. According to the above Note, victims must be duly informed about criminal proceedings, their rights in that connection, including their entitlement to an interpreter throughout such proceedings, and the available services provided by the Public Prosecution Service and other State bodies.

Assistance, recovery and reintegration for victims

69. The Intersectoral Panel on Trafficking in Persons has drawn up an intersectoral protocol on care for human trafficking victims in order to ensure effective exercise of the rights of such victims, with a view to care, protection, compensation and prevention of secondary victimization. The protocol provides for three stages, namely activation, appraisal and care, whose components differ depending on whether the victims are adults, adolescents or children.

70. Of the 82 cases treated under the above system between December 2013 and December 2015, 38 (46 per cent of the total number of victims concerned) involved women, including 3 girls or adolescents.²¹

71. The Crime Victim Support Programme of the Office of the Undersecretary for Crime Prevention is designed to contribute to the redress of damage caused by criminal acts. Since 2013, its centres²² have assisted 75 human trafficking victims.

72. With regard to temporary shelters for female human trafficking victims, the National Service for Minors runs 17 projects specialized in care for sexual exploitation victims, including trafficking in children and adolescents, with the capacity to provide simultaneous care for 909 victims in 11 regions. The Service also runs a specialized foster families programme to provide alternative accommodation, with specialized care and support, for children and adolescents who must be separated from their original family as a result of serious violations of their rights, including through sexual exploitation.

73. The National Service for Women and Gender Equality operates a shelter for women victims of human trafficking. The facility offers safe temporary

²¹ National Statistical Yearbook 2005-2014, Aliens and Migration Department, Ministry of the Interior and Public Security.

²² Crime Victim Support Centres (CAVDs).

accommodation for women victims of human trafficking and their children, providing appropriate support, rehabilitation and social reintegration. Since its opening in 2012, the shelter has hosted 38 women.

International cooperation

74. Chile has signed bilateral agreements or declarations with Colombia,²³ Peru,²⁴ the United States,²⁵ Argentina and Ecuador.²⁶ At the multilateral level, Chile actively participated in the preparation of plans and guidelines for action against human trafficking in the framework of international forums of the Union of South American Nations (UNASUR), the Southern Common Market (MERCOSUR) and the Organization of American States (OAS). Furthermore, Chile formally joined the Group of Friends United against Human Trafficking of the United Nations in early 2016, and participates consistently in the United Nations Working Group on Trafficking in Persons.

E. Articles 7 and 8: Participation in political and public life

Legislative advances

75. In order to ensure that the electoral system reflects the country's ideological, gender, age, ethnic, social and cultural diversity, Act No. 20.840 of 5 May 2015 replaced the binominal electoral system with an inclusive system of proportional representation so as to enhance the representativeness of the Congress.²⁷ The Act is expected to strengthen democracy, improve political and territorial representation and upgrade women's participation, given that it incorporates a criterion of gender parity in the lists of candidates.

76. Under the Act, neither gender's representation may exceed 60 per cent. Any political party that violates this rule forfeits all of its candidatures for deputy and senate seats. Moreover, women candidates for such seats, regardless of whether they are elected, are entitled to additional reimbursement for their election expenses; and, if they are elected, their party is entitled to 500 Development Units²⁸ for each successful woman candidate. The parties may use such funds to implement programmes and develop activities to promote women's inclusion and participation in politics. Both of these measures are temporary and shall apply to the parliamentary elections of 2017, 2021, 2025 and 2029.

²³ "Memorandum of Understanding on Cooperation in the Prevention and Control of Human Trafficking and Smuggling of Immigrants, and in Care for their Victims" (2013); and "Dialogue on the Memorandum of Understanding on Human Trafficking and Smuggling: Responses coordinated by the State and International Cooperation" (2014).

²⁴ "Joint Declaration of the Office of Undersecretary of the Interior of Chile and the Vice-Minister for Public Order of Peru" (2013).

²⁵ "Joint Declaration on the Combat against Human Trafficking" (2014).

²⁶ "Memorandum of Understanding between the Ministry of the Interior and Public Security of the Republic of Chile and the Ministry of the Interior of the Republic of Ecuador on Preventing and Investigating Human Trafficking Crimes and Ensuring Assistance and Protection for Victims Thereof" (2015).

²⁷ Act No. 20.840 replacing the binominal electoral system with an inclusive system of proportional representation and enhancing the representativeness of the Congress. Published on 5 May 2015.

²⁸ As at 24 October 2016 that amounted to CLP 13,124,835 or US\$ 19,674.75.

77. Two highly relevant amendments to Organization Act No. 18,603 on Political Parties entered into force in 2016. First, Act No. 20.900 on the strengthening and transparency of democracy established a State contribution to political parties, with 10 percent of that support to be used to promote women's political participation. Second, under Act No. 20.915 enhancing the public and democratic character of political parties and facilitating their modernization, neither gender may account for more than 60 per cent of the members of any collegiate body of a party. The same Act obliges the parties to provide statistical data on political participation, disaggregated by, inter alia, gender.

Programmes and machinery for action

78. In order to enhance women's political empowerment and participation in public life at the national and municipal levels, the National Service for Women and Gender Equality implements a programme entitled "Woman, Participation and Civic-mindedness", aiming to promote the training of women in leadership so that they can take on responsibilities in social organizations, thereby increasing women's participation and influence in the respective areas.

79. In 2014, the National Service for Women and Gender Equality held 43 "leadership training schools" across the country's 15 regions. Those workshops, attended by 746 women, were designed to encourage and prepare participants to exercise leadership as spokespersons for their communities or interest groups, consistently with a gender perspective and promoting associative arrangements among women.

80. Act No. 20.820 creating the Ministry for Women and Gender Equity provides for the establishment of a gender equity fund to finance projects, programmes, training initiatives and dissemination activities to promote associative arrangements and the exercise of leadership by women.

Participation of indigenous women

81. On the basis of its strategic principles for the period 2015-2018 and the intercultural approach cutting across its policies and programmes, the National Service for Women and Gender Equality, in cooperation with the Indigenous Affairs Unit of the Ministry of Social Development, held in 2014 four meetings with indigenous women with a view to the participatory identification of those women's interests and needs and the formulation of a plan of action to address their rights (inter alia, their economic, sexual and political rights, and their right to a life free of violence) in accordance with their world view and culture.

82. The Intersectoral Board on Mapuche Women, created in 2015,²⁹ aims to promote intersectoral work addressing the gender inequalities faced by Mapuche Women in the Araucanía region.

²⁹ Exempt resolution No. 265/IX REG approving the Framework Cooperation Agreement on the "Intersectoral Committee for Mapuche Women". Temuco, 11 December 2015.

F. Article 9: Nationality

83. Chile has initiated the process of accession to the Convention on the Reduction of Statelessness (1961) and the Convention relating to the Status of Stateless Persons (1954). The Ministry of Foreign Affairs and the Aliens and Migration Department have issued favourable opinions on accession to both instruments and are currently preparing the technical and financial reports required for approval of both Conventions by the Congress.

84. Nevertheless, in view of the duration of the above procedures, the Aliens and Migration Department, in cooperation with the National Civil Registry and Identification Service, has implemented a system to rectify the registration of children of aliens temporarily present in the country, through a simple, expeditious and readily accessible procedure, in order to grant Chilean nationality to such children (see annex, section F).

G. Article 10: Education

Social protection for pregnant adolescents

Legislation

85. Chile guarantees the right of students who are pregnant or mothers to remain in their respective educational establishments, whether these are public, private, subsidized, fee-paying, specialized or general-education, denominational or non-denominational.³⁰ In order to ensure that this right is actually exercised, the Office of the Superintendent of Education has issued the following regulations:

- Ordinary Note No. 476 (2014), under which any provisions that prevent or restrict the afore-mentioned students' right to enter and/or remain in educational establishments violate the educational regulations;
- Circulars Nos. 1 and 2 of 2014 and 3 of 2013, under which the afore-mentioned students enjoy the same rights as other students, without any discrimination;
- Ordinary Note No. 787 (2015) on admission procedures, under which preventing or obstructing the entry of the afore-mentioned students in educational establishments is contrary to the educational regulations.

Programmes and machinery for action

86. Through the Ministry for Women and Gender Equity and the National Service for Women and Gender Equality, the State has made women's physical autonomy a strategic target. To that end, the said Service implements the Healthy Sexuality and Reproductive Life Programme, aimed at full personality development, especially among women, young persons and adolescents, promoting initiatives that protect women's and men's rights in the areas of sexuality and reproduction. In that context, it is sought to encourage learning processes conducive to healthy sexuality and reproductive life, with respect for human rights, through participatory methods.

³⁰ Article 11 of the Education Act (Act No. 20.370). Published on 12 September 2009.

87. The Ministry of Education defends the right of students who are pregnant or mothers to complete their schooling, through guidance, information and dissemination of the relevant provisions of the General Education Act. The following documents were issued for that purpose:

- Guidelines for keeping pregnant schoolgirls and teenage mothers and fathers in the school system, helping adults in the educational community to establish protocols to deal with student pregnancy, motherhood and paternity;
- Pamphlet on the rights and obligations of pregnant students and adolescent mothers;
- Pamphlet on discrimination in schools (2013), disseminated by the Office of the Superintendent of Education and covering the cases pregnancy and motherhood.

88. The National Service for Minors runs seven residential centres focused on the protection of pregnant adolescents and adolescent mothers whose rights have been violated. Moreover, financing is provided for 15 programmes offering specialized protection with a view to educational reintegration.³¹ Of the participants, 35 per cent are women. Between 2012 and 2015, that support increased by 59 per cent.

89. The National School Support and Scholarships Board maintains a national registry of students who are pregnant or have children in order to address the difficulties those students face as they continue their studies. On the basis of that periodically updated registry, the Board designs support programmes that meet such students' needs and provides information to a relevant intergovernmental network.

Statistical information

90. According to the National Social and Economic Survey (CASEN survey), pregnant or lactating students account for 3.3 per cent of the country's population. That corresponds to 1,029,035 persons. That rate is 3.3 and 3.5 per cent in, respectively, the urban and rural areas (see annex, section G).

Complaints

91. According to the Office of the Superintendent of Education, 42 complaints of pregnancy- and/or maternity-related discrimination were filed in 2014. In 2015, the number of such complaints was 33.

92. Since 2015, the above Office, in cooperation with the National Service for Women and Gender Equality, has been working on a draft protocol for complaints referral which will help to deal with cases involving violations of the rights of students who are pregnant or mothers.

Inclusion of sex education in school curricula

93. In March 2016, the Ministry of Education, in cooperation with the non-governmental organization Comunidad Mujer, launched the *Eduquemos con Igualdad* (we educate with equality) campaign, which seeks to identify gender

³¹ The number of programmes increased from 8 in 2012 to 15 in 2015 and is expected to increase again in 2016.

stereotypes reproduced in the family and the schools and to convey to children and adolescents appropriate messages that may help them to plan for a future.

94. A pamphlet on the gender approach in education, with recommendations to teachers and families regarding the prevention of gender discrimination, was distributed in 2013.

95. A human rights and gender equality approach has been adopted under the new School Harmony Policy, 2015-2018,³² mainly designed to guide the planning and implementation of activities, programmes and projects that promote and encourage understanding and participatory harmony in the schools.

96. The Gender Equity Unit of the Undersecretariat for Education of the Ministry of Education began to function in March 2015. The Unit aims to imbue the management of the Ministry with the gender perspective and to build relevant capacities at the level of the Ministry and the independent institutions of the education sector. In that framework, a plan to promote education for gender equality was formulated for the period 2015-2018. The plan provides for mainstreaming the gender perspective in the children's schooling, promoting vocational guidance free from stereotypes and supporting initiatives for gender equality in educational institutions.

Teacher training including the gender perspective

97. The Centre for Advanced Training, Experimentation and Pedagogical Research of the Ministry of Education has carried out various training and skills development activities at the national level, particularly in the form of e-learning on discrimination, gender-sensitive inclusion in the classroom, sexuality and promotion of sexual diversity.

98. As regards the training of education students, each training institution's practices regarding gender equality are being assessed, and relevant meetings with representatives of the institutions will be held. The National Education Council will approve appropriate standards in 2018.

Rural and indigenous women

Illiteracy

99. According to the CASEN survey, the indigenous illiteracy rate is 2.5 per cent (see annex, section B.2.c).

100. Since 2015, the Ministry of Education has been implementing the *Aprendo Contigo* (learning together) literacy plan. This initiative organizes training classes designed to teach reading, writing and arithmetic to persons over 15 who are illiterate or have had less than four years of basic education. The ultimate objective is the certified completion of the first cycle of adult education, equivalent to four years of schooling. The plan is currently implemented in 13 regions of the country, with a 2016 projected coverage of approximately 10,000 persons. It is hoped that two thirds of that group will be women.

³² School Harmony Policy, 2015-2018, Ministry of Education (2015). Available from: <http://www.mineduc.cl/wp-content/uploads/sites/19/2015/12/politica-noviembre-definitiva.pdf>.

Participation in the educational system

101. The rural education programme of the Ministry of Education includes a system of multigrade schools. They cover a wide range of subjects and thus amount to an educational safeguard for rural girls of the country's communities, by providing extensive educational coverage for them.

102. Of the total number of students registered in educational establishments, 6.3 per cent are indigenous. Of those, 108,289 or 49 per cent are women.

103. The percentage of indigenous female students varies from area to area. That rate is 18.9 per cent in rural and 5.3 per cent in urban areas. Of the female students who state that they are indigenous, 85 per cent are Mapuche and 9 per cent Aymara.

104. Of the indigenous female students, 55 per cent are registered in basic education, 14 per cent in secondary education in science and humanities, 4.4 per cent in technical-type secondary vocational education and 4.1 per cent in commercial-type secondary vocational education. The areas of education with the lowest proportion of indigenous women are industrial and maritime secondary vocational education for adolescents and adults, and the various types of education for persons with disabilities. Of the ethnic adolescent and adult students in technical secondary vocational education, 76 and 82 per cent, respectively, are female.

Programmes and machinery for action

105. In 2015, the Ministry of Education established a technical secretariat specialized in coordinating the various initiatives and policies involving intercultural relations. In that connection, note should be made of the creation of the Indigenous Language Sector (SLI),³³ which helped to introduce indigenous languages as a subject in 1,200 schools. In 2014, women accounted for 64.6 per cent of the 600 traditional and indigenous trainers who were trained and contracted by the Ministry of Education in support of that effort.

H. Article 11: Employment*Participation of women in the labour market*

106. Women's participation in the labour market has been steadily increasing since 1990. The national rate of such participation increased from 45.3 per cent in 2010 to 48.2 per cent in 2015. Nevertheless, the gender gap has exceeded 20 per cent every year (see annex, section H).

Legislative advances

107. Act No. 20.786, published on 27 October 2014, modified the hours of work and rest and the structure of the remuneration of domestic workers, and prohibited requiring a uniform in public places. The Act contains the following provisions:

³³ Ministry of Education Decree No. 280 amending Decree No. 40 of 1996 establishing the main targets and minimum obligatory contents of basic education and laying down general rules of implementation. Published on 25 September 2009.

- i. Employment contracts must indicate the type of work to be carried out and the specific address where the services are to be rendered;
- ii. The weekly number of hours worked is reduced from 72 to 45, in line with the general rule;
- iii. Room and board costs may not be deducted from the wage but must be met by the employer.

108. As from the entry into force of the general provisions of the above Act on 1 January 2015, employers must register employment contracts with the Labour Directorate through its website, within 15 days after the conclusion of the contracts.

109. In 2015, the Labour Directorate carried out approximately 5,000 inspections in order to monitor and enhance the employers' compliance with the above Act. Concurrently, 1,200 inspections were undertaken on the basis of workers' complaints.

110. With regard to the implementation of Act No. 20.348 on Equal Pay, parliamentary discussions are in progress on a draft act amending the Labour Code in order to improve the application of the principle of equal pay for men and women.

111. On 29 August 2016, President Bachelet promulgated Act No. 20.940, which updates the system of labour relations. The Act aims to promote the participation of unions in collective bargaining and to build the gender perspective into that process. To that end, the Act provides for enhancing the female workers' negotiating role by specifically including them in the bodies representing the labour force. That measure is expected to be effective in reducing the wage gap between men and women.

Promulgation of the International Labour Organization (ILO) Domestic Workers Convention, 2011 (No. 189)

112. Of the country's more than 370,000 domestic workers, more than 350,000 are women. The ratification of the ILO Domestic Workers Convention, 2011 (No. 189), which at the international level took effect on 5 September 2013, was crucial to ensuring better working conditions for those workers. Accordingly, on 23 March 2016 Chile promulgated that Convention.³⁴

Programmes and machinery for action

113. Through the Ministry for Women and Gender Equity and the National Service for Women and Gender Equality, the State has organized various programmes designed to ensure women's economic enfranchisement. In 2015, the Female Heads of Household Programme, which aims to contribute to the sustainable and successful integration of female heads of household into the labour market was implemented in 230 of the country's 346 municipalities, with 25,251 women participants nationwide.

³⁴ Decree No. 34 on Entry into Force of the ILO Domestic Workers Convention, 2011 (No. 189). Published on 28 May 2016.

114. The 4-to-7 Programme aims to provide support for women who bring up children aged 6-13 so that those workers may seek durable employment, be trained and/or register for remedial education so as to find a job promptly and on better terms. The Programme facilitates care for their children, who participate in various workshops in the form of after-school educational and recreational activities. In 2015, the programme was implemented in 198 municipal educational establishments in 131 communes, with coverage of 11,396 children.

115. The Women, Associations and Business Programme aims to support women in boosting their business activities, by promoting the creation of associations and improving and diversifying the range of marketing opportunities. To that end, linkages are developed with available public and private support for the productive development of the women's land through relevant training workshops, enterprise training centres and referral to other cross-cutting forms of support for the development of the participants' initiatives.

116. Lastly, the Good Labour Practices and Gender Equity Programme aims to promote and establish good labour practices within organizations in order to narrow gender gaps, thereby helping to transform the employment culture; and to enhance the organizations' productivity and competitiveness through activities conducive to equal opportunities for men and women and to the reconciliation of work, family and personal life with shared responsibility.

117. As part of the above programme, in 2012 the National Service for Women and Gender Equality introduced a model known as Chilean Standard (NCh) 3262 — Management Systems — Management of gender and equality and the life-work balance. That tool is designed to enable organizations to identify and bridge gender gaps in personnel management. NCh 3262 also provides for a seal attesting good labour practices for gender equality (*Sello Iguala-Conciliación*) and awarded to organizations by the Service. Although compliance with the norms in question is voluntary, five enterprises have already been so certified, including three which have obtained the seal, with an impact on more than 3,000 workers.

118. Since 2015, the Ministry of National Assets has organized discussion groups for women, particularly indigenous ones, in order to disseminate the benefits of the regularization of small real-estate holdings for women married under the regime of community of property. Article 37 of Decree-Law No. 2.695 governs such regularization and the establishment of respective titles of ownership, and provides that married women shall be considered subject to separation of property for all legal purposes related to the asset concerned by the regularization.

Migration and employment

119. In accordance with article 49 of the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families, the Aliens and Migration Department Circular No. 07 of 26 February 2015 stipulates that aliens who wish to carry out remunerated activities in the country may receive an authorization of temporary residence for employment, provided that they have an employment contract with an employer domiciled in Chile. For that type of visa, employment contracts no longer must contain a clause obliging the employer to pay the employee's return fare at the end of the contract (*cláusula de viaje*), as is required under current regulations for residence visas presupposing a contract.

Indigenous women and employment

120. Under the Urban and Rural Indigenous Economy Development Programme, the National Indigenous Development Corporation has funded subsidies for enterprises and provided technical advice of benefit to 2,176 indigenous women. Note should be made of the creation and management of business programmes focused on the actual situation of indigenous women. That has helped to increase the enfranchisement of, mainly, Mapuche women on the basis of new proposals, views and responses to various complex circumstances.

Women with disabilities

121. The National Service for Persons with Disabilities promotes the participation of women with disabilities and young persons in the labour market on an equal footing with the other citizens. To that end, governmental policy for the period 2014-2018 provides for the following two programmes:

- *Más Capaz* Programme, designed to facilitate labour market access and continuing employment for vulnerable women and young people, including persons with disabilities, by providing technical training, cross-cutting skills development and job placement services to enhance their employability;
- *Linea Sector Público* SENADIS Programme, involving competitive grant funds for inclusion in the labour market and favouring projects that include the gender perspective.

I. Article 12: Health*Family-planning and contraceptive services*

122. The quality of the contraceptive services available to the population has been steadily improving in recent years. Of the various methods offered by the public health system, the latest ones are the progestogen-only implant and emergency contraception. However, according to 2015 statistics, more than 30 per cent of the women using birth control opt for the combined oral contraceptive pill (see annex, section I).

123. In September 2015, the National Institute of Public Health decided to change the conditions for the sale of pharmaceutical products containing the levonorgestrel active ingredient, thereby eliminating the medical prescription requirement and thus improving women's access to emergency contraception pills. That has resulted in a significant increase in pharmacy sales of that contraceptive.

124. All of the relevant rules are being reviewed in connection with the national birth control standards, which are currently before Congress.

Informed consent to sterilization

125. Under Act No. 20.584 on Patients' Rights and Obligations,³⁵ patients are entitled to be informed by the medical personnel as to their state of health and any

³⁵ Published on 24 April 2012.

diagnoses, treatment alternatives, possible risks, prognoses and expectations. According to the national birth control standards currently before Congress, surgical sterilization of men or women is a personal decision.

Possibility for women to decline to undergo the HIV/AIDS examination

126. Ministry of Health Circular No. A 15/47 of December 2011 on the HIV/AIDS test for pregnant women leaves them free to take informed health-related decisions, and thus to refuse the HIV/AIDS examination. It should be noted that the HIV/AIDS vertical transmission rate declined from 7.6 per cent in 2011 to 3.8 per cent in 2015 (see annex, section I).

Draft legislation decriminalizing voluntary termination of pregnancy in three cases

127. The draft act in question (bill No. 9895-11), presented to Congress by the executive on 31 January 2015, is in the second constitutional procedural stage in the Senate Committee on the Constitution, Legislation, Justice and Regulations, the idea of enacting such legislation having been approved by the Senate Health Committee. During the first procedural stage, the project was approved by the Health Committee, Committee on the Constitution, Legislation, Justice and Regulations, and Committee on Finance of the Chamber of Deputies.

128. That approval constitutes a historical landmark for the country. Indeed, since the restoration of democracy, it had been impossible even to discuss any relevant bills because the idea of enacting such legislation had always been rejected.

129. The above bill allows women to choose whether to continue or terminate their pregnancy in the following three cases: if pregnancy endangers their lives, if the embryo or foetus suffers from a lethal congenital or genetic impairment of body structure, or if pregnancy is the result of rape. Those provisions reveal that the woman's will is central to the bill.

130. The bill highlights the particular effects that sexual violence has on children and adolescents, and protects those persons accordingly, respecting their gradual empowerment and best interests, laying down special rules for such persons, and guided by international human rights standards on the sensitive issues in question.

131. The bill provides for pregnancy termination procedures in each of the above three cases, and for conscientious objections on the part of the physicians responsible for such procedures; and amends the Criminal Code by establishing that the three cases authorized by law shall not constitute abortion.

132. The adoption of such a bill will attest to the country's advance towards recognition of a basic women's right. The proposed legislation will strengthen the public health system with human resources and equipment, and will be complemented with a multidisciplinary support programme for pregnant women in any one of the three cases. That psychological and social assistance will be provided by the units for high risk pregnancies both while and after the woman concerned decides, regardless of whether she opts for termination or continuation of her pregnancy.

Monitoring of illegal abortions and risks that they entail

133. In the last decades, maternal mortality in general and in relation to abortions has declined in Chile to an impressive extent. Indeed, the relevant indicators are now among the lowest in the region. However, the illegality of abortions makes it difficult to obtain information on their actual frequency and the risks with which they are practiced, over and above the incomplete abortions treated within the health care system.

134. A recent trend is related to epidemiological changes in women who become pregnant: they are increasingly older and affected by ever more chronic diseases. Accordingly, current public policies underscore the importance of preconception health checks for women over 40.

135. In the last 10 years, discharges related to abortion have remained stable at approximately 10 per cent, or approximately 2 per cent of the total number of discharges. The related mortality rate is low, probably as a result of appropriate treatment in the health care system, timely consultation before the onset of alarming symptoms, and use of methods with a lower risk of complications given that women generally are now better informed.

J. Article 13: Economic and social benefits*Pension system*

136. In April 2014, Ministry of Finance Supreme Decree No. 718, signed by President Bachelet, the Minister of Finance and the Minister of Labour and Social Security, created the Presidential Advisory Commission for the Pension System. The Commission was mandated to review the Pension System established in Decree-Law No. 3.500 of 1980 and amended by the Welfare Reform Act (Act No. 20.255) of 2008, so as to assess the system's current performance and formulate proposals for eliminating any weaknesses identified. In September 2015, the Commission delivered a full report containing its main conclusions and proposals.

137. One of the overall modifications to the system that were recommended by the Commission consisted in strengthening gender equality. To that end, five proposals focused on bridging gender gaps were made. One of those measures explicitly corresponds to the Committee's concern about calculations based on life expectancy tables disaggregated by gender and consists in eliminating that practice (proposal No. 33).³⁶

138. In August 2016, President Bachelet announced a set of pension system changes to take effect in the short and the long term. One of those amendments provides for the use of a single mortality table, thereby discontinuing a form of discrimination that affects women's pensions.

³⁶ Proposal No. 33, Final Report Presidential Advisory Commission for the Pension System, First edition, September 2015, ISBN: 978-956-358-961-0. Available from: <http://www.comision-pensiones.cl/Documentos/GetInforme>.

National Platform for Disaster Risk Reduction

139. The National Emergency Office coordinates the Platform in question, which was set up in 2012 and laid the groundwork for the current National Disaster Risk Management Policy (2014) and the National Disaster Reduction Strategy, 2015-2018.

140. The above Policy, which aims to promote safe and sustainable development planning, provides for equality as one of its governing principles. This implies that, in preparing and implementing activities under that Policy, account must be taken of social and economic vulnerability, gender equality, cultural diversity and the situation of persons with disabilities.

Risk and Gender-issues Management Board

141. The Board in question, established in 2012 and headed by the National Emergency Office and the National Service for Women and Gender Equality, aims to provide information on the international framework for gender mainstreaming, risk reduction, and response to emergencies and disasters.

Tools of the damage- and needs-assessment System

142. The National Emergency Office has built gender into the tools in question: the Alfa report, the Delta report and the Emergency Basic File. That has made it possible to disaggregate information so as to take appropriate decisions in accordance with women's specific needs.

Health care in connection with natural disasters

143. With international cooperation support, contraceptives have been included in health care kits distributed to women who reside in areas affected by natural disasters.

144. Specific strategies with a gender perspective have been envisaged as part of primary health care programmes related to life-cycle-and-mental-health activities but have not yet been systematized. For that reason, the Ministry of Health is currently working on a risk management plan that mainstreams the gender perspective in the primary care provided by the health systems.

Housing and the road system

145. The Ministry of Housing and Town Planning uses reconstruction plans based on the principles of sustainability, territoriality, intersectoral cooperation, advisability, quality and participation. That makes it possible to adapt the reconstruction processes to the identity and characteristics of the persons concerned.

146. Since the 2010 earthquake and tsunami, the Ministry of Public Works, through the Directorate of Planning, has been focusing on improving the land use in relation to natural risks and disasters and on preparing consolidated follow-up reports with gender-disaggregated data for projects related to disasters, thereby making it possible to determine with greater precision the scope of reconstruction projects.

147. After the 2010 earthquake and tsunami, the Directorate of Port Works carried out 17 projects involving reconstruction, taking into account gender aspects in the engineering designs and the execution of works by the service. The Directorate applies internal guidelines which provide for inclusion of the gender perspective in all types of projects, regardless of their character.

K. Article 16: Marriage and family relations

Legislative advances

148. In line with the Committee's recommendation,³⁷ Act No. 20.830 Creating the Civil Union Agreement entered into force on 22 October 2015. That enactment mainly aims to regulate life and property relations between persons agreeing to cohabit as partners without entering into marriage, including same-sex couples. The goal is to ensure that all persons may arrange their lives as members of a couple, without any discrimination based on sexual orientation.

149. The rights and obligations created between civil cohabitants on the basis of the principles of equality and non-discrimination include the following:

- The partners must help each other and defray expenses resulting from their life in common;
- Each is entitled to inheritance in the same manner and based on the same rights as the surviving spouse;
- They have a preferential right to be awarded the property where they reside or has been the family's main residence;
- The rules provided for in the Civil Code with respect to family assets shall apply;
- They are entitled to apply for financial compensation.

150. Another matter related to the principles of equality and non-discrimination consists in the administration rules of the matrimonial property regime, which are summarized below.

151. Civil cohabitants may agree to the regime of community of property, governed by the Civil Code, book IV, title XXXIV, paragraph 3 (joint ownership quasi-contract), and may replace that regime with the one of full separation of property only once. In that case, respect for the principles of equality and non-discrimination shall apply. Indeed, the two cohabitants may administer the property jointly and shall retain the ownership, possession and administration of property acquired on any basis before conclusion of the contract and of the property acquired while the contract is in force.

152. Unless a clear intent of the parties is stated, full separation of property shall be established as a subsidiary regime, under which each cohabitant shall administer, in full independence, the property that he or she had before concluding the civil union agreement and those that he or she acquires, on any basis, while that agreement is in

³⁷ Recommendation 47 (b).

force, whereby the principles of equality and non-discrimination are again guaranteed.

153. According to the National Civil Registry and Identification Service, 4,735 civil union agreements were concluded in the first half of 2016. More frequent use of such agreements tends to be made by women than by men in the age category of 18-30 and by men rather than by women from age 31 onwards. Most of these agreements are concluded by persons aged 25-35. Of the civil union agreements concluded, 75 per cent are entered into by persons of different genders (see annex, section K).

The situation of migrants: temporary visas for civil unions

154. In line with the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families, under which the States parties must take appropriate measures to ensure the protection of the unity of the families of migrant workers, the Aliens and Migration Department published Circular No. 06 of 26 February 2015, according to which persons who enter into marriage, abroad, with a Chilean or an alien resident in Chile and are unable to register that marriage in Chile, and persons who conclude, in Chile or abroad, a civil union agreement or contract with a Chilean or an alien resident in Chile, may be granted an authorization of temporary residence.

Matrimonial property regime

155. In the light of the Committee's recommendations, the State is working on amendments to the conjugal partnership regime in order to eliminate discrimination against women in the administration of the spouses' joint and separate property. The new administration system to be proposed must provide both spouses with equal powers in the administration of matrimonial property and provide each spouse with full autonomy in administering his or her separate property.

156. The matrimonial property regime must be such as to confer the same rights on both spouses and provide for procedures that protect the community of interests proper to the shared life that marriage implies.

III. Dissemination

157. Under Act No. 20.885 Creating the Office of the Under-Secretary for Human Rights and Adapting the Ministry of Justice Organization Act, the Office in question must prepare a National Human Rights Plan. The Plan shall cover a four-year period and include the design and implementation of policies to ensure respect for and promotion and protection of human rights. In the preparation of the Plan, due consideration must be given to the views of civil society and to the reports, proposals and recommendations emanating from the inter-American and universal human rights systems. This legal obligation to incorporate the recommendations of international organizations into public policies constitutes an advance in the procedures of implementation of such recommendations.

158. On 11 January 2013, the Director of the then National Service for Women presented the observations of the Committee to civil society organizations at a large-scale event held at the Palacio de La Moneda.

159. In April 2013, a Note containing the Committee's concluding observations was transmitted to the parliamentarians, regional intendants, Ministers and ministerial advisers.

160. In order to ensure a broad dissemination, those observations were published on the website of the then National Service for Women, along with the other international instruments related to the scope of action of that institution. In view of the country's cultural diversity, a book containing the Convention in the Aymara and Mapudungun languages has been distributed to the regional directorates of the National Service for Women and Gender Equality and the National Indigenous Development Corporation for further distribution in the places concerned.

161. In the area of training, the Committee's observations were disseminated on the occasion of various meetings with the persons responsible for the Management Improvement Programme of the Ministry of Foreign Affairs and with representatives of the International Cooperation Agency.

162. Lastly, in the framework of the preparation of this report, a training activity for civil servants was carried out in cooperation with the Office of the United Nations High Commissioner for Human Rights on 19 and 20 April 2016 in order to reiterate the concluding observations of the Committee and to raise the participants' awareness of the Convention.
