



Convention on the Elimination of All Forms of Discrimination against Women

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Committee on the Elimination of Discrimination against Women Thirty-sixth session 7-25 August 2006

Concluding comments of the Committee on the Elimination of Discrimination against Women: Chile

1. The Committee considered the fourth periodic report of Chile (CEDAW/C/CHI/4) at its 749th and 750th meetings, on 16 August 2006 (see CEDAW/C/SR.749 and 750). The Committee's list of issues and questions is contained in CEDAW/C/CHI/Q/4, and the responses of Chile are contained in CEDAW/C/CHI/Q/4/Add.1.

Introduction

2. The Committee expresses its appreciation to the State party for its fourth periodic report, which takes into account the Committee's previous concluding comments and general recommendation 19, while noting that the report does not refer to the Committee's other general recommendations. The Committee notes with appreciation the quality of the report and expresses its appreciation for the written replies to the list of issues and questions raised by the pre-session working group and for the oral presentation and further clarifications in response to the questions posed by the Committee.

3. The Committee commends the State party's high-level delegation, headed by the Minister of the National Service for Women, which included representatives of various ministries of the Government with responsibility for the implementation of measures in the areas covered by the Convention. It appreciates the frank and constructive dialogue held between the delegation and members of the Committee.

Positive aspects

4. The Committee congratulates the country's first female President on the appointment of a Cabinet with a membership of 50 per cent women ministers, as well as the achievement of 48.4 per cent women heads of State departments and 50 per cent governors.

5. The Committee notes with satisfaction the strength of the national machinery for the advancement of women, its proposed 30 per cent budgetary increase in 2006

and the considerable efforts made in promoting gender equality and mainstreaming gender perspectives into all public policies.

6. The Committee commends the State party for the legislative reforms undertaken since the consideration of its second and third periodic reports in 1999, including amendments to the Criminal Code, the Code of Criminal Procedure and other legislation relating to the crime of rape, including marital rape (1999); amendments to the Labour Code (2001); amendments to the law on family abandonment and payment of alimony and support (2001); amendments to the Organic Constitutional Law on Education (2000); the Act establishing procedures and penalties for acts of family violence (2005); the Act creating the Family Courts (2004); the Act on sexual harassment in the workplace (2005); and the new Civil Marriages Act (2004).

7. The Committee commends the State party for the adoption of poverty reduction strategies that specifically target women, including the National Vocational Training Programme for Low-income Women, Particularly Women Heads of Household; and “Sistema Chile Solidario: Comprehensive Social Protection for the 225,000 Poorest Families in Chile”, launched in 2002 to help families suffering from social and economic exclusion, which has a central focus on women.

Principal areas of concern and recommendations

8. While recalling the State party’s obligation to systematically and continuously implement all the provisions of the Convention, the Committee views the concerns and recommendations identified in the present concluding comments as requiring the State party’s priority attention between now and the submission of the next periodic report. Consequently, the Committee calls upon the State party to focus on those areas in its implementation activities and to report on action taken and results achieved in its next periodic report. It calls on the State party to submit the present concluding comments to all relevant ministries and to parliament so as to ensure their full implementation.

9. While welcoming the legislative reforms undertaken since 1999, and the State party’s declared political will to fully implement the Convention, the Committee is concerned about the slow progress in further legal reform, particularly in regard to the draft law establishing a new property ownership regime granting the wife and husband equal rights and obligations, which has been pending since 1995, and the draft bill on quotas submitted in 1997, aimed at promoting women’s right to participate in national public life.

10. The Committee calls on the State party to ensure that sustainable change towards full equality of women with men in all aspects of public and private life is achieved through comprehensive legal reform. The Committee urges the repeal or amendment of all discriminatory legislative provisions without delay, as required under article 2 of the Convention, and calls on the State party to close legislative gaps and enact other laws necessary to bring the country’s legal framework fully into compliance with the provisions of the Convention and to ensure equality between women and men, as enshrined in the Chilean Constitution. It encourages the State party to set a clear timetable and to raise the awareness of legislators and the general public of the urgent need to prioritize legal reforms to achieve de jure equality for women. The Committee also urges the State party to adopt temporary

special measures so as to accelerate the achievement of women's de facto equality, as called for in article 4, paragraph 1, of the Convention and in the Committee's general recommendation 25, and in relation to all areas of the Convention where appropriate and necessary.

11. The Committee is concerned about the significant wage gap between women and men, which increases with women's age, level of education and job responsibilities, and where women employed in management positions are paid on average 50 per cent less than men. The Committee also notes with concern that women have higher unemployment rates than men in spite of the fact that the female labour force is better educated than the male. Furthermore, while recognizing the efforts made by the State party to improve the working conditions and opportunities for women seasonal and casual workers, including the provision of childcare centres, the Committee remains concerned that only 39.7 per cent of lower-income women workers have an employment contract, which puts them also at a significant disadvantage in the social security system.

12. The Committee recommends that the State party conduct a detailed study on women's participation in the labour market and collect sex-disaggregated data in particular to determine the factors that contribute to women's disadvantage in the labour market as reflected in the wage gap, high unemployment and scarcity of women in managerial positions. The Committee also requests the State party to develop a comprehensive system to monitor the contracts of temporary and seasonal women workers and take measures to eliminate practices that disadvantage women in the social security system. The Committee requests the State party to provide detailed disaggregated data and information on the situation of women in the formal and informal labour markets. The above information should be disaggregated by women's age, level of skills, education and specialization and employment sector, as well as by urban and rural areas, and be included in the next report.

13. While welcoming the recent progress in decision-making positions in public life, the Committee expresses concern about the fact that women's participation in parliament, in municipalities and in the foreign service remains slight.

14. The Committee urges the State party to intensify its efforts to reform the binominal electoral system, which is unfavourable for women's political representation, and take measures, in particular temporary special measures, aimed at accelerating de facto equality between women and men in order to increase the participation of women in political life, particularly in parliament and municipalities, in line with article 4, paragraph 1, of the Convention and the Committee's general recommendation 25, on temporary special measures, and general recommendation 23, on women in public life. The Committee recommends that the State party take measures to increase the number of women studying for a career in the foreign service in order to meet the commitments to gender equality introduced in the Management Improvement Programme and to comply with the State party's obligations under article 8 of the Convention.

15. While noting the State party's recent initiatives to address the problem of trafficking in women and girls, including the ratification in November 2004 of the Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children, supplementing the United Nations Convention against Transnational Organized Crime, the Committee remains concerned by the insufficiency of information on the causes and extent of trafficking in Chile as an origin, transit and

destination country, the lack of national legislation and the absence of adequate measures to combat the phenomena of trafficking and exploitation of prostitution.

16. The Committee calls on the State party to adopt necessary legislation and develop a comprehensive anti-trafficking strategy and plan of action to combat this phenomenon. Such a strategy should include qualitative and quantitative research and the implementation of preventive and protective programmes, including measures for the rehabilitation and social integration of women and girls who are victims of sexual exploitation and trafficking as well as the prosecution of traffickers. The Committee requests the State party to provide in its next report comprehensive information and data on trafficking in women and girls and on prostitution, as well as the measures in place to combat these phenomena and their impact.

17. The Committee notes the State party's goal to reduce teenage pregnancy by 45 per cent by 2015 and welcomes measures taken so far in this regard, as well as measures to ensure the right to education for pregnant girls and young mothers. However, the Committee remains concerned about the high rates of teenage pregnancy and the rising levels of pregnancy in early adolescence, which continue to be a major cause of girls dropping out of school.

18. The Committee requests the State party to strengthen measures aimed at the prevention of unwanted pregnancies among adolescents. These should include measures, including prosecution, against men who have sexual intercourse with underage girls, as well as educational measures for girls and boys aimed at responsible partnerships and parenthood. The Committee also calls on the State party to ensure appropriate measures for continuing the education of young mothers and their access to schooling and to monitor the effectiveness of these measures and report on results achieved in its next report.

19. The Committee expresses its concern about the inadequate recognition and protection of the reproductive health and rights of women in Chile. It remains concerned that abortion under all circumstances is a punishable offence under Chilean law, which may lead women to seek unsafe, illegal abortions, with consequent risks to their life and health, and that clandestine abortions are a major cause of maternal mortality.

20. The Committee calls on the State party to take concrete measures to enhance women's access to health care, in particular to sexual and reproductive health services, in accordance with article 12 of the Convention and the Committee's general recommendation 24, on women and health. It requests the State party to strengthen measures aimed at the prevention of unwanted pregnancies, including by making a comprehensive range of contraceptives and family planning methods more widely available and affordable and without any restriction, and by increasing knowledge and awareness about family planning among women as well as men. The Committee also calls on the State party to reduce maternal mortality rates through safe motherhood services and prenatal assistance and take measures to ensure that women do not seek unsafe medical procedures, such as illegal abortion, because of lack of appropriate services in regard to fertility control. The Committee recommends that the State party consider reviewing the laws relating to abortion with a view to removing punitive provisions imposed on women who undergo abortion and provide them with access to quality services for the management of complications arising from unsafe abortion and to reduce maternal mortality rates,

in accordance with general recommendation 24, on women and health, and the Beijing Declaration and Platform for Action.

21. The Committee notes with concern that the Civil Marriages Act, which has been in force since November 2004, increased the minimum age of marriage for both boys and girls to only 16 years of age.

22. The Committee urges the State party to further revise its legislation with a view to raising the minimum legal age of marriage to 18 years, in order to bring it into line with article 1 of the Convention on the Rights of the Child and with article 16, paragraph 2, of the Convention on the Elimination of All Forms of Discrimination against Women and general recommendation 21, on equality in marriage and family relations.

23. The Committee regrets the lack of sufficient sex-disaggregated data throughout the report and responses to the list of issues and questions in relation to many of the provisions of the Convention.

24. The Committee requests the State party to include in its next report sex-disaggregated statistical data and analysis in regard to the provisions of the Convention, indicating the impact of measures taken and of results achieved in the practical realization of women's de facto equality.

25. The Committee calls upon the State party to ratify the Optional Protocol to the Convention on the Elimination of All Forms of Discrimination against Women and make accompanying efforts to conduct a national campaign that correctly informs and educates Government officials and the general public about the Convention, its Optional Protocol and the Committee.

26. The Committee encourages the State party to expand its consultations with non-governmental organizations in the implementation of the Convention and the present concluding comments, and in the preparation of the next periodic report.

27. The Committee urges the State party to utilize fully, in its implementation of its obligations under the Convention, the Beijing Declaration and Platform for Action, which reinforce the provisions of the Convention, and requests the State party to include information thereon in its next periodic report.

28. The Committee also emphasizes that a full and effective implementation of the Convention is indispensable for achieving the Millennium Development Goals. It calls for the integration of a gender perspective and explicit reflection of the provisions of the Convention in all efforts aimed at the achievement of the Millennium Development Goals and requests the State party to include information thereon in its next periodic report.

29. The Committee commends the State party for having ratified the seven major international human rights instruments.¹ It notes that the State party's adherence to

¹ The International Covenant on Economic, Social and Cultural Rights, the International Covenant on Civil and Political Rights, the International Convention on the Elimination of All Forms of Racial Discrimination, the Convention on the Elimination of All Forms of Discrimination against Women, the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, the Convention on the Rights of the Child and the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families.

those instruments enhances the enjoyment by women of their human rights and fundamental freedoms in all aspects of life.

30. The Committee requests the wide dissemination in Chile of the present concluding comments in order to make the people, including Government officials, politicians, parliamentarians and women's and human rights organizations, aware of the steps that have been taken to ensure de jure and de facto equality of women, as well as the further steps that are required in that regard. The Committee requests the State party to continue to disseminate widely, in particular to women's and human rights organizations, the Convention, its Optional Protocol, the Committee's general recommendations, the Beijing Declaration and Platform for Action and the outcome of the twenty-third special session of the General Assembly, entitled "Women 2000: gender equality, development and peace for the twenty-first century".

31. The Committee requests the State party to respond to the concerns expressed in the present concluding comments in its next periodic report under article 18 of the Convention. The Committee invites the State party to submit its fifth periodic report, which is due in January 2007, and its sixth periodic report, due in January 2011, in a combined report in January 2011.
