



Committee on the Elimination of Discrimination Against Women, Concluding Observations: Chile (1999).

Chile

202. The Committee considered the second and third periodic reports of Chile (CEDAW/C/CHI/2 and CEDAW/C/CHI/3) at its 442nd and 443rd meetings, held on 22 June 1999 (see CEDAW/C/SR.442 and 443).

(a) Introduction by the State party

203. In her statement, the representative of the Government of Chile described the social, cultural and political context in which the Government of Chile was implementing the Convention and informed the Committee of the institutional arrangements made since the restoration of democracy. She recalled that Chile had established the first governmental mechanism for women in the Office of the President of the Republic in 1949. She stressed that the establishment of the National Office for Women's Affairs (SERNAM) in 1991 had been a decisive factor in incorporating a gender perspective into public policy and consolidating the principle of the equality of Chilean women, with effect throughout the country through regional offices.

204. Referring to the activities carried out by SERNAM in the legislative sphere, the representative stressed that one of the milestones of the century in terms of the status of Chilean women was the recently approved reform of the Constitution which established the legal equality of women and men at the highest legislative level by amending articles 1 and 19. With regard to family law, she referred to the adoption of the Domestic Violence Act of 1994; in order to facilitate the implementation of that Act, an inter-ministerial commission on the prevention of domestic violence, coordinated by SERNAM, had been established. She drew attention to the Act issued in October 1998 which, in an important reform for the future of the boys and girls of today, amended the Civil Code and other pieces of legislation with respect to filiation.

205. The representative said that, in order to guarantee equality between husbands and wives at the personal level and in respect of property, the 1994 Act established the sharing of assets acquired during a marriage as an alternative marital property regime.

206. The representative drew attention to the implementation of the Equal Opportunity Plan for Women, 1994-1999, which had been incorporated into the Government's programme in 1995 and had become the main tool for implementing the Convention and the Platform for Action adopted at the Fourth World Conference on Women, Beijing, in 1995. She also singled out for mention the proposals for policies on equal opportunities for rural women which SERNAM had drawn up in conjunction with civil society.

207. The representative of Chile stressed the commitment of the democratic Governments to overcome extreme poverty in Chile and in that respect reported that SERNAM had initiated a vocational training

programme for low-income women, particularly women heads of household, which had helped to reduce the number of poor households in Chile, through the economic contribution of women.

208. The representative also stressed that significant legal changes had been made and major programmatic action carried out in the labour sphere, both in respect of access and improvement of the conditions for the entry of women into the labour market, and in the promotion of shared family responsibilities and the protection of maternity. She said that SERNAM was continuing to carry out the programme for temporary women workers in order to bring the public sectors into line with their needs and provide them with leadership training so as to increase their visibility. Among the legislative advances, she mentioned the amendment of the Labour Code to provide day care services to working women and the protection of maternity leave for domestic workers.

209. The representative drew attention to the considerable progress made as regards the health of Chilean women and girls, stressing the reduction in maternal mortality to 0.2 per 100,000 live births. She acknowledged the incidence of teenage pregnancy and mentioned the special days for community dialogue on emotional health and sexuality, based on a new educational approach, which SERNAM had launched, in cooperation with other State bodies, for the purpose of preventing such situations. She also said that induced abortion was a public health problem in Chile, where it was estimated that one abortion was performed for every four pregnancies, and where abortion was the second leading cause of maternal mortality, even though Chilean law prohibited and penalized all types of abortions.

210. The representative also informed the Committee of the progress made in the political participation of women in various bodies and institutions in the three areas of State power, especially the grass-roots level, although that participation remained very limited in decision-making bodies, such as the Supreme Court or the Senate. She referred to the efforts made by various groups with a view to ensuring the increased participation of women in the Congress. She also reported that the criteria of equality of opportunities for male and female employees had been incorporated in various government ministries.

211. The representative referred to the efforts made by SERNAM to achieve the institutionalization of the gender dimension in the public policies of the State. In that respect, she indicated that SERNAM had carried out a growing task of sensitization and training in the gender perspective for public officials and had implemented programmes for the dissemination of women's rights by establishing women's rights information centres in all regions of Chile.

212. In conclusion, the representative pointed out that the Government of Chile was in the process of elaborating another Equal Opportunity Plan for Women, which would cover the 10-year period 2000-2010, in order to ensure that policies on equality were not dependent on the Government in office but rather became policies of State. She stressed that the Plan would be prepared with the participation of all sectors of Chilean society.

(b) Concluding comments of the Committee

Introduction

213. The Committee expresses its appreciation to the Government of Chile for its second and third periodic reports, and, in particular, for including in the third periodic report data requested by the Committee during its consideration of the initial report. The Committee commends the comprehensive and detailed replies to its questions, which were accompanied by statistical data prepared with input from the ministries and government offices responsible for the areas in question and from a group of women's non-governmental organizations and thematic networks. The Committee also appreciated the oral presentation, which demonstrated with transparency and sincerity the progress achieved, the obstacles

encountered and the constraints which have still to be overcome before the *de jure* and de facto equality of Chilean women is achieved. In both cases, the Committee gained a broader picture of the overall status of the implementation of the Convention.

214. The Committee pays tribute to the Government of Chile for its decision to send a delegation headed by the Director-Minister of the National Office for Women's Affairs and composed of experts in the areas of the Convention. The Committee notes that both the third periodic report and the answers given to Committee members' questions include information on fulfilment of the commitments under the Beijing Platform for Action.

Positive aspects

215. The Committee congratulates the Government of Chile on the adoption of a number of legislative reforms, including the amendment of articles 1 and 19 of the Constitution of the Republic on the equality of women and men; the Domestic Violence Act; reforms to improve the conditions of access to employment and training, working hours and social benefits for female workers, including domestic workers; and reforms of the Civil Code pertaining to family law. These reforms improve legal equality between husband and wife by establishing a regime of shared assets, introduce a joint family estate and provide for equal treatment of children, whether or not they are born in wedlock.

216. The Committee commends the Government for the political will it has displayed in implementing the Convention; in strengthening SERNAM by continuing its programmes as a decentralized government office in the country's 13 regions and granting it, in addition, budgetary autonomy; and in adopting the Equal Opportunity Plan for Women and implementing it nationally.

217. The Committee also commends the adoption of policies and the implementation of a number of government actions and programmes with a view to ensuring the equality of the girl child and of women in education, resulting in a national literacy rate of 94.6 per cent. The Committee commends policies aimed at improving the living conditions of temporary female workers and providing job training to youth of both sexes; the scholarship programme for women heads of household; and the high level of primary health-care coverage. The Committee welcomes the Government's decision to mainstream the gender perspective in all social programmes in order to integrate it in the definition and adoption of government policies and to incorporate the principle of equality in various spheres, thereby creating a solid basis for gender equity.

218. The Committee commends the efforts made by the Government of Chile both to disseminate information concerning women's human rights in the various social spheres and to uphold those rights. It also notes with satisfaction the actions taken with the participation of all governmental sectors and civil society aimed at preventing and combating domestic violence and which include the establishment of a special unit in the Department of Police and the creation of 17 specialized offices in the judiciary.

219. The Committee notes with satisfaction the follow-up to the implementation of the recommendations and decisions of the world conferences of the 1990s, including the Fourth World Conference on Women, held in Beijing.

Factors and difficulties affecting the implementation of the Convention

220. The Committee notes that despite the important role Chilean women have played in the defence of human rights and in the restoration of democracy in their country, the persistence of stereotypes and traditional attitudes that were aggravated by the after-effects of 20 years of military dictatorship has slowed down the full implementation of the Convention.

Principal areas of concern and recommendations

221. The Committee is concerned at the failure to protect women under family law, which restricts, *inter alia*, women's ability to administer their own or joint property. The Committee is also concerned at the absence of any provision for dissolution of marriage. These are seriously discriminatory of women both in their family relations and in the full exercise of their economic and social rights.

222. The Committee recommends that the Government introduce and support vigorously legislation which permits divorce, allows women to remarry after divorce, and grants women and men the same rights to administer property during marriage and equal rights to property on divorce. It also recommends that women be granted the right to initiate divorce on the same terms as men.

223. The Committee is concerned at the persistent stereotypes of the role of women and men in society. It notes with concern that such prevailing social patterns, including adolescent girls dropping out of school because of early pregnancy, domestic tasks allotted to girls and women and the differential obligations assigned to women and men, reveal that deep-rooted social and cultural prejudices persist so as to negatively affect the achievement of equality for women. The Committee is concerned that changes in legislation, although positive, have been insufficient to bring about full de facto equality between women and men.

224. The Committee is concerned at the low level of participation by women in politics and governmental administration, especially at the decision-making level.

225. The Committee urges the Government to strengthen actions undertaken through comprehensive strategies, including temporary special measures, in accordance with article 4.1 of the Convention, intended to encourage greater participation of women in public life, particularly in political decision-making, and to promote changes in attitudes and perceptions both of women and of men, with regard to their respective roles in the home, the family, the workplace and society as a whole. In particular, the Committee recommends that the Government take into account general recommendations 21 and 23 on equality in marriage, family relations and public life, and that it strengthen and intensify actions aimed at raising awareness of the importance of the multiple roles, activities and contributions of women in the community and family, and in general to promote equality of rights and opportunities between women and men.

226. The Committee expresses concern at the high rate of teenage pregnancy and the fact that a large percentage of those young women are single mothers and many of these girls are in early adolescence. The Committee notes that a substantial number of teenage pregnancies can be linked to acts of sexual violence against adolescent girls. It also notes that many girls are made pregnant by adolescent boys. The Committee further notes with concern that only pregnant girls are expelled from private schools at the secondary and preparatory levels.

227. The Committee recommends that the Government and SERNAMEC give priority to an examination of the situation of adolescents, and urges the Government to adopt various measures to address effectively the sexual and reproductive health services and information needs of adolescents, including through the dissemination of family planning and information on contraceptive methods, through, *inter alia*, the introduction of effective sex education programmes. It also urges the Government to make all efforts to ensure the passage of a law explicitly prohibiting that adolescent girls be expelled from private and public schools because of pregnancy.

228. The Committee is concerned at the inadequate recognition and protection of the reproductive rights of women in Chile. The Committee is especially concerned at the laws prohibiting and punishing any

form of abortion. This law affects women's health, increases maternal mortality, and causes further suffering when women are imprisoned for violation of the law. The Committee is also concerned that women can only undergo sterilization in a public health institution. It is also concerned that a husband's consent is required for sterilization and a woman who wishes to be sterilized must already have four children. The Committee considers these provisions to violate the human rights of all women.

229. The Committee recommends that the Government consider review of the laws relating to abortion with a view to their amendment, in particular to provide safe abortion and to permit termination of pregnancy for therapeutic reasons or because of the health, including the mental health, of the woman. The Committee also urges the Government to revise laws which require health professionals to report women who undergo abortions to law enforcement agencies and which impose criminal penalties on these women. It also requests the Government to strengthen its actions and efforts aimed at the prevention of unwanted pregnancies, including by making all kinds of contraceptives more widely available and without any restriction. The Committee recommends granting women the right to undergo sterilization without requiring their husband's -- or anyone else's -- prior consent. In that connection, the Committee suggests that the Government take note of general recommendations 21 on marriage and family relations and 24 on article 12, "Women and health".

230. The Committee notes with concern that many women employed by small businesses and in the informal sector earn low wages, which makes it difficult for them to enter the current social insurance system. The Committee is also concerned that despite the efforts of SERNAM, women seasonal workers find themselves in a particularly precarious situation as regards working conditions, remuneration and childcare.

231. The Committee requests the Government to include in its next report data on the content and implementation of the new plan for equal opportunity 2000-2010, which is under preparation, as well as statistics on the status of women workers, improvements in their living conditions, childcare facilities and the problem of sexual harassment in the workplace.

232. The Committee requests the Government to include in its next report data on progress in the situation of rural and indigenous women, especially as regards their health, employment and educational status.

233. The Committee requests information on the incidence among women of all ages of tobacco use, and on abuse of alcohol and other substances in the next report.

234. The Committee recommends that the Government of Chile describe in its next periodic report the measures it adopts to meet the concerns expressed in these concluding comments.

235. The Committee recommends that these concluding comments be widely disseminated in Chile so that Chilean society as a whole, and the Government, administrators and politicians, in particular, are aware of the measures taken to guarantee *de jure* and *de facto* equality for women and the further measures necessary in that respect. The Committee also requests the Government to continue its wide dissemination of the Convention, the general recommendations of the Committee and the Beijing Platform for Action, particularly among women's and human rights organizations.

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