

Women rights in Chile

Alternative Periodic Report to the United Nations Committee on the on the Elimination of Discrimination against Women

**80th Pre-Sessional Working Group of the CEDAW
LOIPR of Chile**

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ASSOCIAZIONE COMUNITÀ PAPA GIOVANNI XXIII

The Associazione Comunità Papa Giovanni XXIII (APG23)¹ is an International Catholic NGO, accredited with Special Consultative Status to the Economic and Social Council (ECOSOC) since 2006. All APG23 activities and initiatives involve direct sharing with the poorest and most vulnerable people, with the intent to alleviate their suffering in the short term but also to remove the causes of marginalisation and injustice.

APG23 IN CHILE

APG23 has been present in Chile since 1994 in two cities, Santiago and Valdivia. In 1998, the Association began to develop projects with the National Service for Minors (SENAME), the Ministry of Justice and human rights - being recognized as a "Partner Organization"- and in 2006 with the Ministry of Health (SENDA).

In 2011, APG23 was allowed by the Presidency of the Republic to carry out activities in Chile, through Exemption Decree No. 5288 of November 24, 2011. We offer a wide variety of social actions in the field of children's rights and protection: street children, children exempt from prosecution, abandoned children, abused children and minors in general. We also care for battered women, people with physical, sensory, mental and drug addiction disabilities; we promote and defend human rights.

All these areas are dealt with through specific projects and structures: three family homes, six open families, a therapeutic community, a prevention program called "Acuarela", a centre for promotion of rights and social integration called "la Escuelita", a Soup Kitchen, a Centre for Young People with

¹ <https://www.apg23.org/en/>

Hearing Disability - Project Sol "The Voice of Silence", a Social Pastoral for Immigrants, Monitoring Project of the Mapuche Conflict in Valdivia.

Last year, APG23 assisted 37 children and adolescents in its Specialized Residence mode, 170 children and adolescents in Centres for Prevention and Promotion of Rights. Moreover, 160 adults in Assistance, Disability and Addiction programs. Among the programs established by the organization in Chile, one project is accredited and collaborates with the National Service for Minors (SENAME) and one is accredited and works with the National Service for the Prevention and Rehabilitation of Drug and Alcohol Addiction (SENDA).

WOMEN'S RIGHTS

The National Institute of Statistics (INE) reports that, in 2019, in the country there are 96 men for every 100 women, showing therefore a *feminisation* of the national population. In fact, women live longer than men, on average 83.4 years². Moreover, according to the latest population and housing census conducted in 2017, the total population of Chile is 17,574,003: 48.9% are men and 51.1% are women.³

According also to the APG23⁴ experience, over time women have increasingly taken on the role of "head of family": in 1990 women *breadwinners* accounted for 20.2% of households in the country, while in 2017 they were more than doubled, accounting for 42.4% of all households nationally. The last 17 years have seen a sudden increase in this phenomenon⁵. In 2017, in 31.1% of cases the woman is the head of a single-parent family and in 11.3% the woman is the head of a two-parent family.⁶ These data are part of a social evolution that reports an increase of single-parent families compared to two-parent families.

Despite the fact that women are the majority in the country and have also taken on roles of responsibility within the family, the protection of their rights is still lacking in many respects:

1. Access to employment and economic autonomy (art.11-13)

As indicated by the National Socio-economic Characterisation Survey (CASEN)⁷, since the 1990s women's participation in labour has increased, but it is still lower than men's: in 2017, women in work were 48.8% and men 71.6%. 19.4% of women do not enter employment because they perform domestic work and care for children, the elderly or other family members, while men perform only 0.6% of these tasks, and this situation is even more pronounced for women with less economic autonomy.

²http://observatorio.ministeriodesarrollosocial.gob.cl/documentos/Documento_de_resultados_Equidad_de_genero_25.06.2020.pdf, pag 1

³ Ibidem pag. 1

⁴ APG23 has been running the Escuelita project in the municipality of Peñalolén since 1995, and takes in about 50 children at social risk from 30 families in the area every day, carrying out educational and recreational activities and providing childcare while their parents work. There are currently 30 heads of household, 20 of whom are single mothers, who carry out the task of raising and providing for their families on their own. It should also be noted that 16 mothers of the total are migrants, who arrived with their children from Haiti, Venezuela and Peru.

⁵http://observatorio.ministeriodesarrollosocial.gob.cl/documentos/Documento_de_resultados_Equidad_de_genero_25.06.2020.pdf, pag 2

⁶ Ministry of Social Development and Family, Survey which is conducted every 3 years http://observatorio.ministeriodesarrollosocial.gob.cl/casen-multidimensional/casen/docs/CASEN_2017_EQUIDAD_DE_GENERO.pdf

⁷ Ibidem

In this way, a male chauvinist culture persists in the country: care has essentially been reserved for women, its distribution is unequal and it has become invisible and undervalued as work. Women and men distribute the use of time unequally, which translates into social inequality, inequality and gender discrimination. Thus, in a typical day, although men and women devote many hours to unpaid work, there is a clear gender difference in the population aged 12 and above: while men devote on average 2.74 hours to unpaid work, women double this number, devoting 5.89 hours (2015 data).⁸ In 2017, family care provided by persons over 12 years of age to persons in the household suffering from functional dependency was performed by 68.2% of women and 31.8% of men⁹, indicating that informal jobs related to the care of dependent relatives are mainly performed by women. Apart from the care sector, the most frequent employment of women is in commerce, sales and unskilled jobs.

In this situation of limited access to the job market, the 32.8% of women over 15 years old, as of 2017, are estimated to have no economic autonomy, while the same data is only at 12.9% for men. The Department of Social Observation in relation to poverty and income indicates that although the gap has narrowed, throughout the life cycle there are differences that become more pronounced when the population is economically active (working age): between 0 and 19 years, the incidence of income poverty between men and women is similar, the gap increases in the 20-24 age group, and the greatest difference is between 35 and 39 years, when women have a poverty rate of 10.5% and men 6.9%.¹⁰

Moreover, according to the APG23 experience, there are many cases of mothers separated due to intra-family violence who have been left alone with their children and had to survive with scarce resources, since it is difficult to find a job that can be complementary with childcare. This phenomenon leads women in a situation of poverty and to rely on family networks, which are generally made up of their mothers who experienced the same situation, thus repeating the same family patterns that do not allow any improvement.

Finally, the difficulty to access the job market and economic autonomy leads to a perpetuation of violence against women, as they suffer intra-family violence but remain with their aggressor for economic reasons.

- What policies has Chile put in place to ensure greater access to employment for women?
- Has Chile considered recognising and remunerating care work done by women, which is often considered informal work?
- What programmes has Chile put in place to help women with childcare and thus facilitate access to employment?
- During the COVID-19 period when children/young people did not attend school, how did the state ensure that mothers could work?

⁸ <https://www.ciperchile.cl/2020/08/06/pago-de-pensiones-de-alimentos-de-quien-es-la-deuda/>

⁹ http://observatorio.ministeriodesarrollosocial.gob.cl/casen-multidimensional/casen/docs/CASEN_2017_EQUIDAD_DE_GENERO.pdf

¹⁰ http://observatorio.ministeriodesarrollosocial.gob.cl/documentos/Documento_de_resultados_Equidad_de_genero_25.06.2020.pdf, pag 4

2. Education (art10)

According to the 2017 CASEN survey, in Chile 3.7% of women over the age of 15 are illiterate, while for men in the same age group the percentage is 3.5.¹¹ Therefore women are at a greater disadvantage than men.¹² Economic status is a determining factor in the level of illiteracy: the poorest sections of the population have a literacy rate ranging from 7.1 to 4.5%. Even the richer classes are not exempt from illiteracy: in fact, the illiteracy rate is between 1.9 and 1.1%.¹³

Furthermore, according to a study divided by type of head of family in households where the role is covered by women, the percentage of years of education is lower than in households where the head is a man (10.5% if a woman, 11% if a man).

At all levels of education, women are disadvantaged compared to men in the population aged 15 and over. The percentage of women aged between 15 and 29 who decide to not continue their studies is 17.5%, compared with 7.9% of men.¹⁴ More than half of these women choose to not continue their studies for personal reasons (family help, childcare, pregnancy, etc.)¹⁵. Hence there is a disparity between men and women as they do not have the same access to higher education, and therefore to adequate training for a well-paid job.

Finally, a problem that goes beyond gender inequality but that also limits women's education, is the quality of education offered in Chile: there is a great disparity in quality between public and private schools. This latter has better educational programmes, but inaccessible in economic terms.

- What programmes does Chile have in place to encourage women to attend school even after the age of 15?
- What financial support is given to women heads of family to enable their children to have a proper education?
- What programmes has Chile put in place to improve educational programmes in public schools?

3. Disability

The 2nd National Study on Disability (2015) shows that the percentage of the population of adult women with disabilities is 24.9%, corresponding to 1,678,496 women, whereas the percentage of men with disabilities is 14.8%, corresponding to 928,418 people. In the case of children (2-17 years), the percentage of women with disabilities is 4.4%, and 7.2% for men.

Women with disabilities suffer gender discrimination in many areas of life depending on their disability.

In education, women with disabilities study for fewer years than men. If the disability is moderate, women study 9.4 years and men 10 years; if the disability is severe, women study 6.8 years and men 7.7 years.

¹¹ http://observatorio.ministeriodesarrollosocial.gob.cl/casen-multidimensional/casen/docs/Resultados_educacion_casen_2017.pdf

¹² <https://www.cronicadigital.cl/2020/09/08/mas-de-medio-millon-de-chilenos-son-analfabetos/>

¹³ Ibidem

¹⁴ http://observatorio.ministeriodesarrollosocial.gob.cl/casen-multidimensional/casen/docs/CASEN_2017_EQUIDAD_DE_GENERO.pdf

¹⁵ http://observatorio.ministeriodesarrollosocial.gob.cl/casen-multidimensional/casen/docs/Resultados_educacion_casen_2017.pdf

In the labour sector, the percentage of active women is 37.2% and 53.1% of men. The average income is lower for women with disabilities compared to men with disabilities, and is around 246,340 Chilean pesos (about 300 euros).

Finally, from the APG23 experience, women with disabilities who are victims of violence do not have adequate training and information on whom to turn to for help. Anti-violence centres do not have trained staff to help disabled women in reporting, as they do not know, among others, how to relate with disabled people and with disability, to communicate through other languages, and so on.

4. Persons suffering from deafness

Deaf women have a disability that could be easily supported, but the lack of tools and education leads them to remain in a state of disability and not to emancipate themselves.

The first disparity is found in education. Deaf children are entitled to special schools for primary education (primary and middle school). It is not documented whether there are special schools for deaf people in each region, as the list of special schools from the Minister of Public Education does not report which ones are for deaf people. We therefore infer that in the case that there is not a special school for them, hearing impaired children are enrolled in ordinary schools with PIE programs. Considering the experience of deaf children enrolled in schools with inclusion projects PIE (elementary and middle schools), there is no proof that they receive from teachers the translation of lessons with Chilean sign language. Moreover, there are still institutes and universities that do not have an inclusive education, and therefore do not guarantee the translation service with sign language. It is then necessary to organize a translation service with sign language through trained professionals and regulate it, as there is no regulation on the topic.

For this reason, the majority of deaf people have a very low educational level and many of them are illiterate. Even if, in 2020, the government elaborated a specific literacy path for deaf people *Basic educational capsules for Deaf Students*¹⁶, many people cannot access them because their level of education is very low and they do not comply with the admission standards. As a matter of fact, a deaf adult that wishes to undertake a course of study falls into several obstacles, as to access the courses it is required a basic grammatical knowledge that not anyone holds and that is not guaranteed by any governmental institution. In this way, deaf women do not have an adequate level of education that can emancipate them in order to guarantee their basic rights.

Another aspect in which APG23 finds gender inequality is access to assistance for victims of violence. It turns out, indeed, that deaf women do not have adequate legal and psychological support to be able to report and to be followed in the recovery of their mental integrity. For this reason, they hardly report cases of violence and they are known only in serious cases such as the attempted femicide. Women are hardly present in the judicial process for investigations as there is no sign language interpreter. Moreover, with difficulty they stay in the anti-violence centres and they recover an autonomous life because they are not adequately followed by operators and psychologists who do not know sign language. Finally, women suffer violence from other women in the centres because of their disability. All this leads them to be psychologically fragile and to return

¹⁶ <https://especial.mineduc.cl/wpcontent/uploads/sites/31/2016/08/DECRETON332.pdf>

to the house where they were subjected to violence or to find new relationships but always violent, failing to work on themselves and recognize the circle of violence.

Finally, there is no psychological recovery for girls/boys suffering from deafness who witness acts of family violence. This is because there are no programs designed for deaf people with properly trained psychologists who know sign language. In this way, these children, even if they have not been victims of violence, with time they tend to erase memories, but it remains in them a sense of anxiety that accompanies them for all life. It is clear that if you are not adequately accompanied, people who live in violence are more likely to stay in these environments as they believe to be normal, and to perpetuate them in their adult life.

- What programmes has Chile put in place to assist women victims of violence with deafness?
- What educational programs are present in the area to raise awareness about violence, especially aimed at people with deafness?
- What programmes of recovery and accompaniment for children and adults who are witnesses of violence affected by deafness?

5. Violence against women and feminicide

Although the term feminicide is recognized in many countries as the murder of a woman (only because it is), without the existence or the need to establish a relationship between the killer and the victim, in Chile, Law 20.480¹⁷ defines it as the murder of a woman committed by her husband or partner. Instead, Law 20.066¹⁸ defines Intrafamilial Violence (VIF) as "any abuse that harms the life or physical or mental integrity of those who have or have had the partner status of the offender or a relationship of cohabitation with him. In the last case, intra-family violence against women would involve all physical and / or psychological abuse by the husband or partner".

Feminicide and intra-family violence are only inversely proportional to the level of education of men and women, and to job opportunities. Then there are many variables such as geographical location, economic independence, mental health, and so on, which influence the theme of intra-family violence. Violence against women consists of various steps and features, the main ones are physical, sexual, social, economic and psychological violence. This last one is underestimated in its gravity and credibility by the judicial actors, as well as by the victims themselves, who enter into a process of normalization of violent acts that continue the spiral of violence to the point of femicide.

Intra-family violence is most often the step before feminicide. In Chile, the average death rate in violence has been close to 25% in the last two years: one in four attempts at murder ended with the death of the woman. In recent years, cases of femicide have remained fairly constant although always increasing (46 cases in 2019)¹⁹.

As for violence against women, Chile in 2019 has activated the number 1455 as a guide and help to request information. During the pandemic this number has been quite used²⁰.

¹⁷ <https://www.bcn.cl/leychile/navegar?idNorma=1021343&idParte=>

¹⁸ <https://www.bcn.cl/leychile/navegar?idNorma=242648&idParte=art.5>

¹⁹ <https://bibliotecadigital.indh.cl/bitstream/handle/123456789/1072/ia2017-accesible.pdf?sequence=4&isAllowed=y>

²⁰ https://minmujeryeg.gob.cl/?page_id=3361

In Chile, there are 111 centres for women, equally distributed in the national territory, where women over the age of 18, who live or have experienced gender violence during their relationship with a partner or with a former partner, are assisted at a psychological, social and legal level. A positive aspect of this project is that women are not obliged to report for help, but there is no report on the services that have been offered, the number of women who have turned to the centre and for which type of needs. The experience of APG23 shows that in the case of women with disabilities it is observed that they do not turn to this type of service because they do not know it and because professionals are not prepared for this type of assistance. There is no information available for women with disabilities.

For sexual violence, there are Centres of Attention and Reparation for women victims/survivors of sexual violence located only in the regions of Valparaíso, Metropolitana and Biobío, so there is no national coverage. Only women over the age of 18 who are or have been victims of sexual violence are assisted in these centres.

At cultural level, since violence against women is an acquired and naturalized behaviour, there is a need for interventions in the educational system that tend to eradicate it from the beginning. For this kind of violence, some measures have been considered such as: the extension of the concept of sexual harassment to the educational sphere; the implementation of programmes for the prevention of sexual abuse of children in public and private kinder-garden; the inclusion of gender-based violence and non-violent conflict resolution in textbooks and in pre-school and school education programmes, in the education programme and in the police training school²¹. However, these measures are not exhaustive as many cases of violence are not reported and/or recognised.

- Has Chile adopted laws that recognize femicide as the murder of a woman (just because it is), without the existence or need to establish a relationship between the killer and the victim?
- How does the Commission intend to promote the creation of additional Attention and Reparation centres for women who are victims/survivors of sexual violence in order to ensure national territorial coverage?

²¹ <https://minmujeryeg.gob.cl/doc/estudios/SERNAM-2015-Violencia-contra-las-mujeres.-Desafios-y-aprendizajes.pdf>