



**THE CIVIL SOCIETY COMMENTARY AND CONTRIBUTIONS  
TO THE LIST OF ISSUES AND QUESTIONS RELATED TO THE EXAMINATION  
OF THE SEVENTH PERIODIC REPORT OF THE STATE OF CHILE BEFORE THE  
COMMITTEE ON THE ELIMINATION OF DISCRIMINATION AGAINST WOMEN**

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## **I. Generalities**

- The Committee on The Elimination of Discrimination Against Women, in paragraph 9 of the Final Observations to the Fifth and Sixth periodic report, insisted in the binding nature of the Convention and invited the State to call on the National Congress to take proper action, in agreement with its procedures, for the implementation of the final observations of the periodic reports issued by the Committee in 2012, Likewise, it recommended to strengthen the coordination with the National Congress and the civil society to fully include all underprivileged women in the design and implementation of public programs and policy, in accordance with Article 2 (1) of Law 20.609 that defines the anti-discrimination measures.

**We request that the Committee consults the State about the actions implemented to include the 2012 observations in the procedures of the National Congress, besides the notice sent out informing about them. Additionally, we request to consult about the mechanisms agreed for the coordination between the Ministry of Women and Gender Equity, the National Congress, and the Civil Society.**

**We request that the State is asked about the programs, plans of action and policies of the Ministry of Women and Gender Equity, and about the inclusion of the most underprivileged groups of women, as well as to report if the participation of the civil society has been included in their design, implementation and evaluation.**

- In its Seventh Report, the State of Chile does not make reference to the implementation of consultation with non-governmental organizations about the implementation of the Convention and Final observations or the preparation of the report submitted.

**We request the Committee ask the State if actions were carried out to consult the civil society for the formulation of its periodic report, and in case of a positive answer, to specify how, when and who was consulted.**

- Since its creation after the return of democracy to Chile, the mechanism for women proposed plans for equal opportunity with the purpose of moving forward in substantive equality for women in the country.

**We request the Committee to ask the State if those plans have been updated and what is the evaluation of the progress that they have generated.**

## **II. Implementation of the Convention articles**

### **A. Articles 1 to 3: Non-discrimination and equal rights**

#### ***Definition of equal rights and non-discrimination***

- After five years of the enactment of Law 20.609 that established actions against discrimination, the limitations of the legal framework have become evident. Thus, the importance of the commitment of the government to amend the law and replace its goal of setting up a judicial mechanism, that is extremely insufficient and limited, for the prevention, elimination, and eradication of all type of

discrimination and victims compensation, in agreement with international obligations entered by the State of Chile.

**We request the Committee inquire the State about progress made in the amendment of Law 20.609 regarding its content and its submission for the discussion to the National Congress.**

**We ask the Committee to ask the State about quantitative and qualitative information about the enforcement of Law 20.609 and report the number of cases when the anti-discrimination law has been invoked for reasons of discrimination against women, how many of them have concluded with convictions and how many with acquittals, and the average time these cases were concluded. Likewise, we request that State be asked if the courts of justice have invoked CEDAW in the case of discrimination against women.**

- After five years of the judgment of the Interamerican Court for Human Rights in the case of Atala Riffo vs. the State of Chile (a lesbian mother who saw the custody of their children taken away for her sexual orientation), that sentenced the Chilean State to train members of the civil service, and particularly employees of the judiciary, we attest that, based on data provided by the Judiciary Academy of Chile, only 1.3% of the active judges in the country have received training on matters of Human Rights and sexual diversity.

**We request the committee ask the State about the actions implemented to comply with the sentence of the Interamerican Court in the case of Atala Riffo vs. the State of Chile, as well as the future actions of compliance and indicators to be used to measure progress and their public advertisement.**

- Given that government policy, plans and programs must be oriented to promote and guarantee equality between men and women, the national regulation persistently lacks a general legal definition of all the forms of discrimination against women as well as the founding of the principle of equality between women and men.

**We request the Committee consult the State about the measures that have been implemented for the principle of equality between men and women to be introduced as a foundation for all current regulations in force in the country, in agreement with article 2 a) of the Convention and beyond the text of article first of Law 20.820 that creates the Ministry of Women and Gender Equity.**

#### ***National mechanisms for the advancement of women***

- Given that Ministry of Women and Gender Equity is valued as a revindication of the women and feminist movement since the return of democracy, it is surprising that once more it has been informed about the assembly of a Council of Ministers for Gender Equality.

**We request the Committee inquiry the State about the regulation that creates such a Council, the frequency of its activity and the evaluation of its efficacy, an about the Technical Advisor Committee made up by advisors to the ministries in matters of gender and about the sectorial working groups on gender.**

**We request the State to inform if the Ministry of Women and Gender Equity has enough budget for a proper operation because its enactment was done with limited budget and this has a direct effect in the fulfillment of the legal obligations.**

**We ask the Committee to request information to the State about the type of hiring process of the administrative, technical and professional personnel for the National Service for Women and how the salary scale compares with other ministries and services with comparable characteristics and that perform similar responsibilities.**

### ***Violence against women***

- The State reports the existence of a National Plan of Action about Violence Against Women -2014-2018 and the activities performed by it. However, it has not been possible to know the plan: it is not included in the public information of the Ministry of Women and it was not provided when it was directly requested. Moreover, the State provides information about the activities carried out for each strategic component defined in the Plan. For the prevention component, it indicates the existence of a Integral Prevention Program of Violence against women. This program would include the following indicators: Percentage of Local Violence Against Women Prevention Plans designed with the community; Percentage of community monitors that perform sensitization activities for the prevention of violence against women in their own territories; Coverage of the community sensitization and prevention actions; and Coverage of the training activities.

**We ask the Committee to request from the State the information about the implementation and dissemination of the National Plan of Action about Violence Against Women, and about the impact of its implementation in the mitigation of violence against women.**

**We ask the Committee to request from the State information about follow up and continuation of the “National Program for the Training of Community Monitors”, if there is continuity of this program and how the work of women to give support to this policy will be retributed.**

**We request consult the State about the impact of the creation of the “Technical Secretariat for the Gender Equality and non-Discrimination”, if it is entitled to determine sanctions to judges that act in a prejudiced and discriminatory in trials of violence against women.**

**We request ask the State where and how such a plan was disseminated, what was the evaluation of the Integral Program of Prevention according to the indicators defined for it; what was the impact evaluation of the training activities to member of the civil service and the service to the public and response to the victims; what is the coverage and impact evaluation of the actions of the Centers for Men that Exercise Violence against Partners<sup>1</sup>; what is the evaluation and coverage of the Shelter Homes.**

**We request the Committee to ask the State about the qualitative evaluation of the Centers for Men that Exercise Violence against Partners, and if this program contributes to the eradication of violence.**

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<sup>1</sup> The SERNAMEG 2016 integral Management report indicates that 1133 men entered the program but only 129 finished it.

**That it informs the allocated budget to these centers, its coverage, the result of follow up of cases to verify y participants have relapsed in the practice of violence, and about the nature of the intervention programs used.**

**We request the Committee to ask the State to inform what the actions are that implements in the area of redressing women victims of gender violence.**

**We request the Committee to ask the State about what actions have been implemented by the Mobile Intercultural Center in the Araucania region to respond to the violence practiced by state agents against Mapuche women, girls and against families and communities.**

**We ask the Committee to request information from the State about the implementation and impact of the Consolidated Guideline for Risk Assessment for women victims of domestic violence.**

**We ask the Committee to request information from the State about the efficacy of the precautionary measures for the protection of women and girls victims of violence.**

Corporación Humanas received two accounts of young women ages 19 and 23 that in 2016 went to police stations in Santiago to denounce having been victim of rape and when they attempted to formalize the complaint they were requested to provide the ID number of the attackers to be able to document the complaint otherwise the complaint could not be formalized.

**We ask the Committee to request information from the State about the protocols for the report of complaints about sexual violence to the police, the Public Prosecutor office and the Health Services, that avoid practices as the one described above that violate the right of access to justice for women victims of violence.**

- Although it is valued that in January 2017 a draft of legislation was introduced to respond in an integral manner to the violence against women and broaden the protection against victims, we consider that for this legislation to truly become an integral response to the problem it needs to provide a broad conceptualization of violence against women and girls. It should include all types of manifestation of violence in the public and private spheres, by private persons or agents of the State, and that clearly defines the obligations of the different public offices in matters of prevention of violence and investigation and sanction of the guilty parties as well the protection and redress of the victims.

**We ask the Committee to request information from the State about the draft of legislation concerning the right of women to a life free of violence that was recently introduced for discussion to the National Congress. It sets up clear and precise obligations for all public offices regarding prevention, investigation, and sanction, as well as protection and redress of the victims.**

**We ask the Committee to request from the State information regarding what actions have been implemented to safeguard that all forms of violence product of actions or omissions by state agents be duly investigated and sanctioned; to control and sanction police violence against women; for the inclusion of respect for the work performed by human rights advocates by public service personnel, particularly members of the police.**

**We ask the Committee to request from the State information regarding the progress made in the legislative review process of a definition and general characterization of sexual harassment, beyond**

**the specific realm of labor relations (work sexual harassment, regulated by article 2 of the Labor Code) and against minors (Law N. 20256)**

**We ask the Committee to request information regarding the measures adopted for the implementation of mechanisms for the prevention of discrimination and violence in the media and what is the plan to deal with symbolic violence in the media, especially the network Television Nacional de Chile.**

- According data from Transgender Europe (TGEU) six trans women were murdered in Chile between 2012 and 2016. To this number it must be added the murders of lesbians, as in the case of Nicole Saavedra (2016) and beatings and assaults with origin in sexual orientation, as in the case of Sandra Ramirez (2017).

**We ask the Committee to request from the State statistics of women murdered and assaulted, specifically, the disaggregated numbers by sexual orientation and/or gender identity. If these data does not exist, we request that the State be asked to collect that information periodically.**

#### ***Underprivileged groups of women***

- ***Migrants***

- According to the State report, migrant population makes up 2.3% of the total population in the country, and 52.6% of which are women. We acknowledge the efforts made through presidential instructions and ministerial guidelines to respond to the specific needs of the migrant population, particularly of women and their children, but it is urgent to present a draft of legislation for migrants and foreigners that considers the protection of human rights and inclusion of migrants. It must be noted that Law N 1094 for foreigners is from 1975 and issued by the civil-military dictatorship.

**We ask the Committee to request from the State information about the date when the legislation proposal about migration will be submitted that includes the rights of migrant people and how the specific needs of women and migrant girls will be incorporated in the draft of the law.**

**We request that Committee asks about the necessary measures to improve the economic conditions of migrant women and to eliminate their vulnerability to exploitation and human trafficking.**

- ***Women in detention centers***

- The image of a mapuche leader giving birth shackled to the hospital bed in the south of the country brought back the public debate of human rights standards for prison officers. The prohibitionist policies regarding drugs has had an important impact in the region and Chile increasing the number of incarcerated women. 52% of the women serving time in Chile are sentences for crimes included in the Drugs Law, for trafficking and possession offenses that are mostly non-violent and for small quantities.

**We request the Committee to ask the State about the existing data and the impact evaluation on the female population of the recent amendments and toughening of the law on drugs done in 2013 and 2014, and more specifically, if in the evaluation of the Law 20.000 that sanctions the illegal trafficking of narcotics and psychotropic drugs, any perspective on women was included. Similarly, we ask to consult if a gender perspective has been included in the policies on drugs with the goal of reverting**

this negative impact, and if there are any legislative draft initiatives considered that deals with this problem from a gender perspective.

**We ask the Committee to request the State for information about advancement in the amendment of the Correctional Rules of Procedure, in the gender components included in it and if any actions have been carried out to impose sanctions alternatives to imprisonment, particularly for women with young children. Likewise, to ask for an account of the compliance with international standards related with maternity in the prison system, within the prison facilities as well as its application in substitute sanctions or alternative serving of sentences.**

**We ask to request from the State information about women deprived of their liberty, what types of crimes are committed by women in prison, if that women deprived of liberty have lived violence previously in their life, what types of intervention the State executes to secure the social rehabilitation of those women and particularly their livelihood after serving their sentence, how many of them are mothers and what measures has the State taken to secure that their children receive psychosocial and economic support.**

**We ask the Committee to request the State to inform about the procedures for body searches that women receive in the prisons of the country, those who are serving time as well as those who are visitors, based on the reiterated complaints of vexatious seizures that violate basic rights. The same information is requested for boys, girls and adolescents that go to prison centers to visit their relatives.**

- Complaints about assault and torture against trans women in the Antofagasta prison were received in February 2017. This shown the vulnerable situation that trans women that serve time live in prison centers, the lack of knowledge about the recognition of their identity in these centers, and the absence of a national mechanism for the prevention of torture.

**We request consult about the training on the subject of sexual diversity and gender to personnel of Gendarmería de Chile, and the modifications of the prison regulations so that they acknowledge and protect the gender identity and sexual orientation of trans women deprived of their liberty. Equally, to request the State to respect the identity of all people deprived of liberty, collect the statistics about trans women in prison facilities, to report if trans women are located in correctional facilities for men, and adopt the necessary mechanisms to prevent discrimination against them in the prison facilities.**

**We request the State ask about the Sexual and Reproductive Health of the women deprived of their liberty, if they undergo preventive testing and medical monitoring, and if in the case of illness, if the they have integral care available. We also ask to request information if Gendarmería provides personal hygiene items to women that serve time with deprivation of liberty, the kind of items provided, how frequently are they distributed and what the budget assigned for this.**

- ***Women with disabilities***

The “Exploratory Study on Violence against Women with Disabilities in three countries of Latin America and the Caribbean: Chile, Costa Rica and Uruguay”, that was sponsored by UN Women and that feasible thanks to an initiative lead by the Circulo Emancipador de Mujeres y Niñas con Discapacidad, CIMUNIDIS, (Emancipating Circle of Women and Girls with Disabilities of Chile), of April 2016, indicates that all the women interviewed in the study suffered, suffer , or have observed other women with

disabilities. Some type of violence, active or passive. This violence can be suffered in childhood, as a result of situations of neglect, sexual abuse, mocking and beatings; or in youth or adulthood, when additional types of violence occur such as labor exclusion, health abuses, institutional indifference. Socioeconomic discrimination among others. Nevertheless, it has been determined that there is no specific information of these types of violence against women and girls with disabilities. The Survey on Disabilities gives information about this scourge that people with disabilities suffer but without disaggregating the data by gender.

**We request to ask the State about the specific actions taken to prevent the violence that women and girls with disabilities suffer.**

**We ask the Committee to query the State about the measures taken to guarantee the exercise and full enjoyment of the right to family and filiation and the civil right to marriage of women with disabilities, to repeal Article 1.447 of the Civil Code about legal incapacity, and Article 4 of Law 18.600, and also to repeal the permissive legislation and regulation of forced and involuntary sterilization of women and girls with disabilities, and to repeal legislation and regulations about the incapacitation of personal care and rearing of mothers with disabilities.**

**We ask the Committee to request the State to report about the actions that it will take to legally, administrative and financially develop and maintain affirmative intersectoral state policies regarding the legal capacity, sexual and reproductive rights of women and girls with disabilities. Particularly, in matters of sexual and reproductive education, childcare and as assisted motherhood, following the proposal of the Presidential Adviser Commission to set up a System and Mechanisms of Support for the physical, economic, and political autonomy of women with disabilities.**

**We request the Committee to ask the State about the measures of Inclusive Justice in the prevention, protection, sanction and redress of women and girls with disabilities that have been victims of violence at the level of torture, cruel, inhumane, and degrading treatment, specifically mentioned by the Presidential Adviser Commission – April 2016 – the Committee CRPD UN – April 2016 and the Resolution 34/32 of the CDH, for the announced draft of legislation for the Law of National Mechanism for the Prevention of Torture with investigation, complaint, defense and litigation powers.**

- ***Indigenous Women***

It is worrisome that the report of the State does not make any reference to the situation of women members of indigenous peoples when they refer to the more underprivileged groups of women. It is of especial concern the absence of the problems that the women of the mapuche people face, given the actual situation of violence that is inflicted by agents of the State.

**We ask the Committee to request the State for information and statistical data about the condition of indigenous and rural women and girls, and about the specific forms of violence that they are subjected to. Particularly, we ask to request information about the violence that is inflicted to them by members of the police and the measures adopted by the State to prevent it and sanction it. Similarly, that it provides the number of complaints submitted for police brutality, and how the cases have ended, reporting the sanction and measures adopted.**

**We request the Committee to ask about the actions taken to amend the Antiterrorist Law and to whom it has been applied in recent years, informing the number of cases when it has been invoked, the outcome and the time for processing the procedures when the anti-terrorist law has been invoked.**

- ***Trans Women***

Chile continues to lack a law for gender identity that acknowledges the right of trans people. The draft of legislation on this subject has spent four years in the first constitutional revision, and it does not include girls and adolescents. This is troublesome considering that the Interamerican Commission on Human Rights has indicated that the life expectancy of trans women in America is 35 years old, and that the refusal to acknowledge their right to identity affects directly their exercise of their economic, social and cultural rights. The depth this effect is unknown in Chile give the lack of statistics about the reality of trans women in most realms of their life; such as school dropout rates of trans girls and adolescents, access to formal job market, access to quality housing, etc.

**We request the Committee to ask the State of Chile about the progress and priority given to the draft law of gender identity. Likewise, we request it asks about the statistics of the exercise of the economic, social and cultural rights of trans girls, adolescents and women; and the demand the periodic collection of data in case this information does not exist or is insufficient. Finally, we request to ask about public policies that have as their objective the group of trans girls, adolescents and women.**

**We ask the committee to request information from the State about the reasons why the draft of legislation of the integral law of violence against women does not consider transphobic and lesbophobic violence as gender violence and the actions it intends to implement to prevent and sanction that type of violence.**

***Optional Protocol***

- The processing of the draft of legislation that adopts the CEDAW Optional Protocol is currently under the second constitutional review since 2004.

**We request the Committee to query the State about the actions it has taken to expedite the ratification of this international instrument.**

***Sustainable Development Objectives***

- The creation of a National Council for the implementation of the 2030 Agenda included the participation of the Ministries of Foreign Affairs, Environment, Economy and Social Development.

**We ask the Committee to query the State about the reasons that led to the decision not to include the Ministry of Women and Gender Equity given its importance in the task of making a gender perspective transversal to the public policy of the country.**

#### **B. Article 4: Temporary special measures**

- According to the law that enacted the creation of the Ministry of Women and Gender Equity. It has power to propose temporary special measures to increase the levels of equality.

**We request the Committee to query the State about what have been the special measures promoted by the Ministry of Women and Gender Equity since it began its operation and what budget has been assigned for this purpose.**

#### **C. Article 5: change of sociocultural patterns**

- The inclusion of post-natal parental leave in Law 20.545 has been indicated in the State report as advancement towards co-responsibility. However, the percentage of men that has made use of this leave in 2016 was 0.18%

**We ask the Committee to request the State information if best practices have been implemented within the public administration of the State to promote the co-responsibility and the strengthening the participation of fathers and care givers in the care work of their family responsibilities.**

- In Chile, the government is promoting a major reform to the educational system with the goal of moving forward in the guarantee of the right to education and reduce the inequalities that the educational system has reinforced in the Chilean society.

**We ask the Committee to request the State information about how the need to modify the sociocultural patterns has been included in the education reform, and how its efficacy will be evaluated. Also that it informs if it has implemented policies to prevent violence against women in the school education.**

**We request the Committee to ask the State about the design and implementation of non-sexist and anti-discriminatory actions including the regulation of publicity and the media about these matters. Similarly, to ask if it has been submitted to consideration the disqualification from holding public office of persons that commit discrimination against women.**

- Currently, there is a draft of legislation in Congress that characterizes street harassment.

**We ask the Committee to request information about the legislative debate of the draft that sanctions street sexual harassment and its agreement with the current legislative draft.**

#### **D. Article 6: human trafficking and exploitation of prostitution**

- The State reports on the “National Plan of Action Against Human Trafficking” approved in December 2013 and undersigned by SERNAMEG, public institutions, organizations of the civil society and international organizations.

**We ask the Committee to request the information about tangible progress that has been made with the implementation of the National Plan of Action.**

**We ask the Committee to request information about the training of judges, prosecutors, members of the civil service, and the particularly border patrol officers about Law 20.507 that characterizes the illegal trafficking of migrants and human trafficking and established regulations for its prevention and expedite criminal prosecution.**

**We ask the Committee to request information about the mechanisms for protection and the redress measures for women who have been victims of human trafficking and trafficking of migrant people.**

#### **E. Article 7 & 8: Participation in political and public life**

- We value the incorporation of an affirmative action measure in the reform of the electoral system for the election of the members of the legislative; however, this norm is not yet effective so its efficacy cannot be evaluated. Nevertheless, it draws our attention that the law defines the period that this norm will be effective without the need of need of an impact evaluation that guarantees that it is no longer needed.

- On the other hand, this legislation does not offer a comprehensive response to the need to guarantee full and equal participation of women in public and political life given that a legislation that guarantee parity in all offices chosen by the popular vote is required.

**We ask the Committee to request the State for information about the impact of the regulation implemented by the law that reformed the electoral system, the law of political parties and if any new measures are considered to guarantee the parity of participation in the executive, the legislative and the judiciary, and in all the offices elected by popular vote.**

**We ask the Committee to request the State for information if actions have been implemented to increase the participation of women in positions of responsibility in the State administration.**

#### **F. Article 9: Nationality**

- Today, as a result of the vast migrant movement that is happening in Chile, the situation of migrant women and their daughters and sons remains critical. We value that the State of Chile has begun the process of compliance with the Convention to reduce the cases of statelessness and the Convention on the Convention relating to the Status of Stateless Persons, but it must be noticed that this could involve a long period to be approved by the National Congress.

**We request the Committee to ask the State of Chile about the status of the reports by the Ministry of Foreign Affairs and the Department of Foreigners of this instruments that are necessary for the approval by the National Congress.**

**We request the Committee to ask the State of Chile about the system of correction of the registrations of a son or daughter of a foreigner without permanent resident, so that the correction acknowledges the Chilean nationality of those boys and girls. Ask about the number of requests of registration have been included in the system, the outcome of those requests and the time it took to resolve them. Likewise, to ask if a draft of legislation will be promoted beyond the administrative solution that is actually being used in the Registro Civil. This could be hampered by another administrative action.**

## **G. Article 10: Education**

**We request the Committee to ask for information regarding the number of nurseries that exist nationally, the percentage of student mothers that uses them, disaggregating the data by municipality, type of school (private, public, and subsidized charter schools) to make the satisfaction of their needs easier. Likewise, that it reports the number of spaces at the nurseries that are assigned or are being used by women and by men.**

**We request the Committee to ask the State about the role that the Ministry of Education has played in the task of training a gender perspective for teachers at every level of the education system to remove stereotypes based on gender or sex.**

**We request the Committee to ask the State about the definition of what constitutes sexist content or sexist stereotype and the establishment of bodies and mechanisms that allow the monitoring and elimination of such content from the school textbooks.**

**We request that State informs if there has been progress in the installation of a general policy of sexual and reproductive health for adolescents that include sex education programs of good quality.**

**We request the Committee to query the State about information if any measure has been implemented to secure that girls and youth receive sex education that is lay, non-sexist and that includes sexual diversity.**

## **H. Article 11: Employment**

- Today, in the State of Chile the central topic regarding women and employment refers to access of women to the job market. This only reaches 50% of the women as a result of discrimination and the absence of effective actions oriented to the establishment of co-responsibility in the child rearing, adult care and household work; the inequality to access job positions; and income inequality, gaps that affect the current situation and the future retirement of Chilean women. In fact, women make up 47,7% of the labor force in Chile and 87.5% of salaried women receive less than four net minimal wages. In addition to this, the high inactivity rate, informality and unemployment, earlier retirement age and the private capitalization pension system, result in low retirement pensions. This job insecurity is a representation of how gender stereotypes remain active in the country.

**We request the Committee to ask the State about the reach and results of the “Program Woman, Associativity and Entrepreneurship”, which tries to support women and strengthen their initiatives, promoting associativity and improving and diversifying their commercialization channels. In addition, to ask about the current status of the program and how it is being implemented locally, the budget assigned, coverage, follow up indicators and criteria for the selection of participants.**

**We request the Committee to ask the State about the progress and legislative process of the draft of legislation that amends the labor code to perfect the regulation of the principle of equality of pay between men and women, which had been proclaimed by the Law N° 20.348 and guards the Right to Equal Pay. Likewise, that it informs what actions have been taken to guarantee equal payment within the public administration system.**

**We request the Committee to ask the State about the impact of the measures established by the Law 20.940 of the Modernization of the System of Labor Relations, that increases the negotiating power of women workers and if any indicator has been designed to measure the impact of the new norms.**

#### **I. Article 12: Health**

- Even though we value the presentation of a draft of legislation that allows the interruption of pregnancy based on three causes that was introduced by the executive in January of 2015, it is worrisome the slow pace of the National Congress to process it.

- It is particularly relevant that the draft under discussion properly guarantees timely access to medical care for the interruption of pregnancy to those who are victims of sexual violence.

- In consideration of the above, it is of concern the limited deadlines that the draft considers for the cause of rape, especially in the case of girls and adolescents, and the lack of mechanism that ensure that girls can have access to safe abortion without the support of her legal guardians.

- Likewise, it is necessary to guarantee the preeminence of confidentiality of medical care for any abortion, this because the medical personnel has no power for criminal prosecution. In addition, the barriers that the proposed legislation establishes regarding access to information must be eliminated. That is the case of the prohibition to disseminate information about “centers, facilities, services or procedures for the interruption of the pregnancy for the three causes”.

- In 2012, the Feminist Articulation for the Freedom of Choice, in their shadow report to this Committee (53 Period of Session, October, 2012) reported about the denial to and the obstacles to young people to contraceptive methods and counseling, and about the complaints by health services personnel of women with complications derived of abortions.

**We request the Committee to ask the State information about the implementation and monitoring of actions that guarantee timely and non-discriminatory access to the services that the Law 20.418 – that establishes the norms about information, counseling, and provision of services in matters related to the regulation of fertility – indicates, particularly contraception, with the provision of PAE and condoms. Also the access to information about sexual and reproductive health.**

**We request the Committee to ask the State about the system to monitor the fulfilment of the MINSAL A15/2675 communication about confidentiality and no judicialization in cases of complications derived of abortions received by the public system of health.**

**We request the Committee to ask the State information about health services and care of the sexual and reproductive health of trans and lesbian women.**

**We request the Committee to ask the State for information about the actions taken to improve access to sexual and reproductive health care for women that are sexual workers.**

**We request the Committee to ask the State for information about the number of C sections carried out in a year in the country and about the existence of protocols or health guidelines that guarantee respect for childbirth and the prevention of gynecological-obstetric violence. Likewise that information national statistics about practices and complaints for gynecological-obstetric violence be released.**

#### **J. Article 13: economic and social benefits**

**We request the Committee to ask the State about the current situation of pensions in the country, specifically about the reports issued by the Bravo Commission (It was an ad hoc presidential commission established specifically to propose solutions to the pension system, among them, solutions for the current gender gap), the proposals included in the reports and what initiatives have been implemented to eliminate the existing discriminations.**

#### **K. Article 16: Marriage and Family Relations**

- We value the enactment of Law 20.830 that created the Civil Union Agreement, but there is a concern that with it a total equality of rights is not achieved. Because of this it remains to legislate about equal marriage in Chile, giving same sex couples the same rights that couples of different sex have.

- In Chile, children of same sex couples are discriminated because of the sexual orientation of their mothers or fathers. The rights that all children have in their family relations, such as personal right to be protected, cared for, educated by their mothers or fathers, their right to a name and identity, their rights to food, right to pension, of social security and inheritance, general patrimonial rights, among others – in the case of children of same sex couples, these right are not acknowledged and lack minimal protection.

- The draft of legislation presented by representatives to the organizations of the civil society that regulates the right to filiation of children of same sex couples (Legislative Bulletin N. 10.626-07), is an attempt to account for this situation from a rights perspective. It proposes that the filiation rights of the children of women couples that jointly undergo assisted reproductive procedures; the filiation rights derived of the voluntary recognition of maternity by the partner of the mother of children that have no determined paternity, the filiation rights of children of couples that live in civil cohabitation; and safeguard the reproductive autonomy, the right to establish a family and access to reproductive procedures.

- This, in agreement with the obligations of the State of Chile in matters regarding equality and non-discrimination, protection of the family and the rights of children that is demanded by the Political Constitution and valid international agreements.

**We request the Committee to query the State about the actions taken to respond to the need of legal recognition of children of same sex couples.**

**We ask the Committee to request from the State information about the progress made on the recommendation of the Committee for the Rights of Children to increase the age for marriage for girls from 16 to 18.**

- Ten years have passed since the Amicable Settlement Agreement between the Interamerican Commission of Human Rights in the case of Sonia Arce vs the State of Chile, presented to the Commission by Corporación Humanas, where the State of Chile required to repeal the norms that discriminated women under a matrimonial property regime, it is highly worrisome that complete lack of legislative debate about it.

- In fact, the project to amend the matrimonial property regime was introduced in 2011 by president Sebastian Pinera, and sent to the first constitutional review by the house of representatives in March 2013 (Legislative Bulletins N. 5.970-18. 7.567-18 and 7.727-18 consolidated), it has not been debated by the current government and it has not been assigned legislative priority.

- Nor has been debated another initiative on this subject, introduced in 1995 and passed by the lower house in 2005, that was also stalled in the Senate (Legislative Bulletin N. 1.707-18).

**We ask the Committee to request from the State information about the measures it will implement to comply with the commitment made to the ICHR and to guarantee equal rights in all the matrimonial property regimes.**