



**COMMENTS AND CONTRIBUTIONS OF CIVIL SOCIETY FOR  
THE LIST OF ISSUES AND QUESTIONS RELATED TO THE  
CONSIDERATION OF PERIODIC REPORT FOURTH STATE OF  
CHILE TO THE COMMITTEE ON ECONOMIC, SOCIAL AND  
CULTURAL RIGHTS**

**(October 1st, 2014)**

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DE GÉNERO**

**CENTRO DE DERECHOS HUMANOS UNIVERSIDAD DIEGO PORTALES**

**CIRCULO EMANCIPADOR DE MUJERES Y NIÑAS CON DISCAPACIDAD (CIMUNIDIS)**

**COORDINADORA AUTÓNOMA CONTRA LA VIOLENCIA**

**CORPORACIÓN OPCIÓN**

**FUNDACIÓN CENTRO DE ESTUDIOS DE LA MUJER (CEM)**

**FUNDACIÓN IGUALES**

**FUNDACIÓN INSTITUTO DE LA MUJER**

**OBSERVATORIO DERECHOS HUMANOS Y LEGISLACIÓN**

**ORGANIZACIÓN DE TRANSEXUALES POR LA DIGNIDAD DE LA DIVERSIDAD**

## Overview

The Committee on Economic, Social and Cultural Rights, in paragraph 60 and 61 of the Concluding Observations on the third periodic report recommended the State to provide "human rights education in schools at all levels and to raise awareness about human rights, in particular economic, social and cultural rights, among State officials, including the armed forces, the personnel responsible for law enforcement and the judiciary "meet, and also give wide publicity to its concluding observations.

Also, in paragraph 12 of the Principal subjects of concern, the Committee noted "the scarcity of case law in which the rights under the Covenant have been invoked before national courts, or they have been given direct enforcement."

**We ask the Committee to request the State of information related to the implementation of these recommendations, reporting its inclusion in the curriculum of all levels of education and various embodiments thereof. Also requested to ask how, when and who has been trained in human rights, particularly economic, social and cultural rights, and informed observations and with what results.**

## Article 1: Right to self-determination of peoples

In 2004, the Committee expressed concern about the lack of constitutional recognition of indigenous peoples, who are still at a disadvantage in the enjoyment of the rights guaranteed by the Covenant (paragraph 13). In the same vein, the Committee recommended "that the State party include the recognition of indigenous peoples in the Constitution" and "intensify efforts to restore indigenous lands, especially in Mapuche areas; and improve the situation of indigenous people in rural areas, particularly in regard to health and education "(paragraphs 32 and 33). It also recommended increasing his efforts to reduce poverty, especially among indigenous peoples and integrate economic, social and cultural rights in its programs of poverty alleviation.

It is worth noting that the constitutional recognition of indigenous peoples has been stalled in the congressional debate in the Senate since April 2009 (Legislative Bulletins Nos 5324-07 and 5522-07, submitted), besides not being properly submitted to consultation to indigenous peoples in accordance with international standards on this matters.

**We ask The Committee to require the State of information on the measures taken to transpose the fundamental Charter constitutional recognition of indigenous peoples, duly consulted.**

**We also ask the Committee to require the State information regarding indigenous territories, the annual budget for the restitution of land since 2004 to date and its execution, detailing beneficiaries by ethnicity, locality and sex, and an estimate of unmet demand in land acquisition. Also to report on programs to overcome poverty with specific breakdown of the beneficiaries as ethnicity, locality and sex.**

As for due diligence in the context of investment projects, ownership of natural resources and free, prior and informed consultation with indigenous peoples, international law requires that while the territories and resources are not entitled, the State must ensure free, prior and informed to develop projects or implementing measures in these territories consent.

**We ask the Committee to require the State for information on measures taken to ensure that prior to the approval of investment projects has been obtained the free, prior and informed consent of indigenous peoples when these projects have an impact on their land yet entitled. In addition, requests require information to authorities on compliance with the right to prior and informed free consultation in the case of administrative actions, including those regulated and legal, and general specifically allocated to the rights of indigenous peoples.**

#### **Article 2: Measures for the progressive realization of the rights**

The CESCR expressed its concerns in 2004 regarding some economic, social and cultural rights, including the right to housing, are not considered justiciable in the State party (paragraph 12) and recommended to guarantee the existence of an effective legal and institutional framework for the promotion and protection of all the rights in the Covenant (paragraph 30).

**We ask the Committee to consult the State which has taken measures to ensure that these rights are justiciable.**

In its Fourth Periodic Report highlights the state's ratification of ILO Convention 169 and the ratification of the Convention on the Rights of Persons with Disabilities (paragraph 19).

**We ask the Committee to request information from the State on public resources to implement the rights enshrined in both instruments and regulations to ensure their applications.**

Moreover, the Committee recommended that the State in its next periodic report provides information on the direct applicability of the Covenant in domestic courts, an issue that was not addressed in the report submitted by the State, so **we asked the Committee to reiterate that application and request the State to report on the direct applicability of the Covenant in national courts.**

#### **Article 2 paragraph 2: Nondiscrimination**

In recent years, the number of migrants in Chile has increased considerably; however, they face serious discriminations in the country. Many of the reports of the system of universal protection of human rights highlighted the need for immigration reform and legislation that comprehensively address the discrimination suffered by the migrants by agents of the state and private. In this connection, we ask the Committee to require the State to provide information on the level of development of the new regulatory framework on migration issues and the measures it has taken to respond to and prevent episodes of discrimination, and to ensure that the migrants can fully enjoy their economic, social and cultural.

The enactment of Law N° 20,609, Antidiscrimination Law, was the result of a long legislative process, and represents an important advance in human rights terms. However, its implementation presents significant challenges, since for example, the categories of direct discrimination, indirect, multiple or aggravated, de facto and de jure, structural and historical not part of this legislation. Moreover, there is in this no reference to the possibility of issuing temporary special measures (affirmative action) to remedy situations of discrimination.

**We ask the Committee to require the State information related to the implementation of this rule, for example, number of court actions filed invoking the law, among other data. It would also be appropriate to know the type of campaigns promoted by the State to respond to**

situations that generate discrimination against groups that are in greatest vulnerabilities, for example, migrants, LGBTI people, indigenous peoples, etc. Finally we would appreciate if the Committee could require information on the total budget allocated to this activities, programs, or projects that aim at reducing discrimination in access to Economic, Social and Cultural Rights.

LGBTI people are routinely discriminated against, in the areas of health and education. **We ask the Committee to request information from the State on what measures has been taken to prevent and respond to these situations, including information on progress in training of civil servants in the areas of education and health to prevent and provide response to situations of discrimination against these people.**

It should be stated that the Inter-American Court of Human Rights, in its judgment in the Karen Atala Riffo and daughters vs. Chile, established within the compensatory measures the obligation to implement, within a reasonable time, permanent programs and training courses for public officials at regional and national level, and particularly judicial officers of all ranks and areas of the judicial branch on equality and non-discrimination. **We ask the Committee to request information from the State of the trainings that have been made to the judicial system, informing in detail of the cities and regions and how many public officials have been trained to date.**

Regarding the situation of transgender people, they are constantly discriminated against and made invisible. The State not only does not protect their rights but also ignores them, there is no recognition of gender identity in both public policy and social programs. We request the Committee to require the State information on public policies including transgender people and the recognition of gender identity in law and in practice.

The situation of transsexual women incarcerated is highly discriminatory since they have to be incarcerated in men's prisons, which exposes and undermines them and they have no access to hormone treatments, and are not allowed to use female clothes, where makeup and use their female names. **We ask the Committee to require the State disaggregated data on gender identity of incarcerated people in the country, and related to public policies and measures that have been taken into prisons to protect the human rights of transgender people and for recognition of their gender identity and gender expression.**

Children and adolescent's transgender and intersex are constant victims of standardization regarding roles, and standards bodies. Intersex newborns and / or ambiguous sex at birth are mutilated without necessarily informing or seeking permission from the parents, in order to "normalize" their bodies. Children and adolescents are required to meet male or female roles according to the sex assigned at birth, either separate educational activities in men or women, school uniforms, haircuts, etc., with total disregard of their gender identity and gender expression. **We ask the Committee to request the State for information on protocols in the health system for intersex and/or ambiguous sex newborns, educational protocols of inclusion and respect for gender identity, and statistical data of children and adolescents transsexuals in the educational system, and statistics of intersex and/or ambiguous sex newborns in Chile.**

On equality and human rights of women, the Committee's concluding observations in 2004 expressed concern that in Chile "cultural stereotypes about the role of both sexes continue to undermine the equal enjoyment of economic, social and cultural rights by men and women"(paragraph 15) and adds that the Committee notes with concern that the participation of women in the workforce remains one of the lowest in Latin America (35% in 2002) (paragraph 16). In this sense, it recommended the State to further intensify efforts to promote gender equality in all spheres of society, including providing the National Service for Women (SERNAM) the support and resources necessary (paragraph 35 ) and incorporated into the legal system the principle of equal pay for equal work for men and women (paragraph 36).

Furthermore, it recommended that women of childbearing age are not subject to discrimination in the private health care system (paragraph 56).

In terms of cultural stereotypes is concerning that the State Report refers to Article 10 dedicated to family to support their progress in gender equality. **We ask Committee to requests the State on specific information on policies and regulations aiming to overcome cultural stereotypes regarding the roles of both sexes, particularly in education and health systems.**

Regarding the participation of women in the workforce, the women participation rise to 47.7%; but despite this increase, it remains below the regional average in Latin America. Although official figures seem encouraging, the fact is that the growth of female employment hides the instability and insecurity that characterize the work of women in Chile, as it has done through self-employment, part-time and low rating jobs. The adoption of the Law No. 20.348 establishing equal pay between men and women with the same work is a step forward, however, the wage gap between men and women has increased according to the Superintendence of Pensions statistics.

**We ask the Committee to request the State information on the participation of women in the labor market, referring to the type of work that women have access to, and levels of remuneration by type of employment, the wage gap between men and women, and measures taken to reduce it.**

**We also ask the Committee to consult the State on what measures and regulations have been taken to promote shared responsibilities of housework and unpaid care work, so as to enable the integration of women in the workplace and to promote access to paid work and ensure the retention of women in this activity, providing a social response to the needs of child and elderly care.**

It should be stated that within the system of individual capitalization Security Funds Administrators, the use of life expectancy tables differentiated by sex remains, which harms women as their life expectancy is higher, which means that with the same amount of pension savings, a woman receives up to 30% less pension than a man, and also women of childbearing age are severely punished with higher costs in private health plans. **We ask the Committee to request the State information on the measures taken to reduce gender inequity in the social security system considering that the individual contribution is closely related to levels of remuneration. Also to request statistical information on gender gaps in social security and private health and the measures taken by the State to reverse it.**

The sub political representation of women is observed at all levels of public authority. Although today it has 9 women ministers out of a total of 23 ministries, the numbers dropped dramatically rank of undersecretary, seremías and municipalities. Also, the Supreme Court and the Constitutional Court women skirt 20%. Similarly is concerning that the participation of indigenous women in political matters is almost none existing.

**In this regard, we ask the Committee to request the State information related to the percentage of women in positions of decision of the 3 branches of government, also pointing out gender participation of indigenous people. Also report on the bill pending on electoral system reform that includes measures for parity, to report what measures shall be adopted, with what specific objectives, whether it contemplates budget for implementation, and timelines for adoption at Parliament, as well to ask the State to explain why is terminated within the affirmative action on women candidates proposed in the bill that is currently under discussion, regardless processes impact assessment.**

Meanwhile, the marital partnership (regimen patrimonial de sociedad conyugal) still exist in the legislation, so we request the Committee to ask the State what measures have been taken in order to give more speed to the process of the bill seeking to modify it, recognizing full legal capacity of women and equal rights regarding social goods in a system of co-administration without reserved goods for the husband, applied to marriages held before and after the law is in force.

Regarding to legislation on violence against women, Law No. 20.066 (Family Violence Act) away from referring to gender violence and abuse of power, only to realize domestic violence, thereby obscuring the extent of violence against women and its many manifestations, both public and private space.

**We ask the Committee to consult on the efforts made to amend the Domestic Violence Act and replace it with a comprehensive law on violence against women, in order to cover all forms and manifestations of this, including that which occurs in the public and private spheres, eliminating the requirement of "habitual abuse" so that all acts of violence against women are investigated. We also urge the Committee to request information on statistics and policies to prevent violence in all forms of sentimental relationships.**

Sexual violence against girls is a major concern, so we ask to request the State to report on the number of girls who are subjected to sexual violence, and the public policies on prevention to face it, both in cases of sexual abuse as of commercial sexual exploitation. Also, to ask the State what measures has taken to prevent the recurrence of complaints such as occurred in 2011 on police sexual abuse of girls in the context of student protests.

**We ask the Committee to ask the State about how SERNAM is fulfilling its legal obligation to make an annual national action plan to face violence against women in coordination and cooperation with relevant public and private bodies and what is the assessment of annual plans developed to date.**

**We also urge the Committee to ask the State how it has responded to the legal obligation to incorporate into the plans and programs of study content aimed to changing behaviors that promote, encourage and perpetuate violence against women and what is the evaluation of these initiatives.**

**We also ask to consult the State on the repair measures taken for women who have been victims of violence.**

In relation with the discrimination against for gender identity and expression, category protected by the Antidiscrimination Act, **we ask the Committee to requested the the State information regarding the public policies developed to eradicate discrimination against transsexual and transgender women and how they are incorporated in the programs of the National Service for Women (SERNAM) .**

For people with disabilities, it is estimated that they suffer 4 times more violence than the general population for being a total dependence on home and community. **We ask the committee to consult the State about what actions has been developed to respond to violence against women and girls with disabilities, and if exist judicial and police statistic are breakdown by sex and disabilities condition.**

#### **Articles 4 and 5: Guarantees of protection**

The Committee expressed concern about the application of special laws like the law of state security and anti-terrorist law in the context of tensions over ancestral lands in Mapuche areas (paragraph 14), recommending that specials laws should not be invoked in "acts related to the social struggle for land and legitimate indigenous claims "(paragraph 34).

**We ask the Committee to request information from the State on the number of cases in which it has invoked the anti-terrorist law in recent years, how many of them involving indigenous peoples, number of persons involved according to sex and age, facts underlying the application and judicial outcome of such processes, including information about detainees, issued convictions, number of people incarcerated in pretrial detention, their duration and other judgments.**

In 2004, the Committee reiterated its concern about the health consequences for women of the legal prohibition of abortion, no exceptions (paragraph 25) and recommended the State to aim forward the decriminalization of abortion "in the case of therapeutic abortions and when the pregnancy is result of rape or incest "(paragraph 52).

Currently, abortion remains illegal in all forms in Chile. President Bachelet has expressed its intention to introduce a decriminalization bill limited to three causes (risk of life for women, fetal infeasibility and rape) that still has not materialized.

**We ask the Committee to required information from the State on legislative proposals for decriminalization of abortion in certain grounds in accordance with their international obligations and ask if only considers decriminalizing or legalizing aims to establish abortion in those circumstances ensuring adequate and free medical care at least in these cases. We also request information from the State on how the reality of clandestine abortion in Chile, as it is known, far exceeds the three grounds proposed by the government will face and if it refers to decriminalize abortion, respecting personal freedom and realization that women are entitled.**

Given the persistence of cases of betrayal on the part of medical personnel to women, most of them teens and young women, who use emergency services health complications from illegal abortions, we

urge the Committee to ask the State how it has monitored compliance Ordinary MINSAL A15 / 1675 on confidentiality and no prosecution.

The numbers of people with disabilities in Chile show that 12.93% of the population has some type of disability (1 in 8 people), of which 58.2% are women; however, there are no relevant public policies to resolve the major obstacles faced by these people. It concerns the applying the "Interdiction Express" through the use of the Law No. 18.600. With the only merit of the registration of a person with mental disabilities (without specifying the degree of disability) on the National Register of Disabled can seek a declaration of interdiction and designation of one or both parents as definitive curators.

**We ask the Committee to request information about the condition and control of the State to prevent abuse of the limitation of legal capacity of persons with disabilities, and provided legal procedures to reverse this provision and restore full legal capacity of persons with disabilities according to the UN CRPD-Art. 12 and Comments the CRPD Committee in April 2014 in this matter.**

**Also ask the State on the requirements needed to sterilize a woman with disabilities, statistics, justifications for sterilization and control of the State in this matter.**

The State continues unanswered complaints HIV + women sterilized without consent in public hospitals. The Committee is requested to ask the State on the Regulations for mandatory diagnostic test for HIV / AIDS for pregnant women and the investigation of sexual partners, and answer the allegations of non-consensual sterilization of HIV + women.

So far prevention policies on HIV / AIDS and STDs are intended, particularly in its prevention campaigns targeted population as a risk group, not considering a plan of action to women both adults and youth young, who have made more increased prevalence in recent years. We request to ask the State what measures will be developed to respond to the increasing prevalence of HIV in women.

In the absence of legal protection for trans people (transsexual, transgender, transvestites and intersex) for not being recognized nor respected their gender identity in demands for change of name and sex, there are judges who require sterilization (hysterectomy) if trans male and in the case of one female trans vaginoplasty done, this requirement constitutes an obstacle to access the change of name and sex, allowing to obtain an identity card that identifies them to work and develop equal. **Is asked to require the State of Chile for the actions carried out to achieve the speedy adoption of the Law of Gender Identity (Bulletin No. 8924-07) to stop depriving the exercise of fundamental rights to Trans people.**

In Chile there is a migrant community of about 441,529 people highly feminized, with a population of migrant women of 234,752 equivalents to 53.2% of the total (Home Office, 2014). 70% are heads of household, only 2% have homeownership (Institute for Women Foundation et al, 2011). Data report their impaired quality of life, which violates their rights safeguarded, among others, the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families, ratified by Chile in 2005.

In the present to be able to apply for a housing subsidy it is a prerequisite to have a term of at least five years of residence. If we add this number of years to the time that people have had another type of visa, we face a total of eight to ten years living in the country illegally to qualify for a grant of this type. This



has consequences for the quality of life especially for migrant women, especially those who are heads of household.

Despite what is indicating by the State party notes that health is directed by Circular 1179 of 28/01/2003, supplemented with Circular 6232 of 26/05/2003 that protect the rights of pregnant immigrants are breached in an irregular situation to be met in public health clinics and hospitals to manage your pregnancy, childbirth and postpartum.

Some educational institutions refuse to promote the student for the next school year if they don't issue the certificate of approved courses of the country of origin validated in their country and in Chile, in circumstances that the validation in Chile is sufficient. In some cases, this becomes in failure of the same course up to three consecutive years (Chilean Network of Migration and Intercultural Relations, 2011).

Regarding nationality, the concluding observations of the Committee on the Protection of All Migrant Workers and their Families on the Initial Report of Chile (September 2011) encouraged the Chilean government "to grant citizenship to children born in Chile of parents at irregular, when they cannot transmit them to their own nationality "(paragraph 33). However, public authorities and officials are still denying it, arguing that they are children of transient foreigners, regardless of the actual time spent that is opposed to this character.

In short, they are not given Chilean citizenship and are stateless unless they can acquire the nationality of their parents, if the country allows. Nor can get a Unique Role Tax (RUT), a document that allows claim benefits and state benefits (Chilean Network of Migration and Intercultural Relations, 2011).

Everything indicated, following the already mentioned studies, is preserved by the lack of timely information to migrants about their rights and responsibilities.

**The Committee is requested to ask the State on access to social services for immigrant women and men, as well as mechanisms for communication and dissemination of their rights in the country, emphasizing those related to health, education and housing.**

**Also we ask to request the State information on the processes for granting citizenship to children born in Chile when the mother is in irregular situation.**

#### **Article 6: Right to work**

In the indigenous population the economic participation rate reached 55.2% and be disaggregated by sex, 71% are active men, compared to 40.1% of active indigenous women, which shows a significant gap in the participation of women and indigenous people in the world of productive and income-generating activities.

**It is requested to ask the State on the policies pursued to promote the economic empowerment of women in general and indigenous women and women with disabilities in particular.**

**It is also requested to ask the State on the policies pursued to favor the inclusion of transgender people in the world of productive and income-generating activities.**

#### **Article 7: Working Conditions**

In relation to seasonal work in the agricultural export sector, where mostly women work there precarious conditions on contracts, low pay, duration of working hours, occupational health and safety; so it is still common for serious accidents poisoning cases that threaten the life and health of the temporary women workers.

**We ask the Committee to require the State information on the measures implemented to: ratify the ILO Convention 184 on Safety and Health in Agriculture, to strengthen the protection of labor rights of temporary workers and agribusiness and create a comprehensive system of monitoring and oversight of respect for these rights.**

One issue of concern is related to the lack of regulation that exists for domestic workers, which are subject to severe discrimination and are constantly violated in their human rights, as they have, for example, a longer working time than the rest of the workers.

**It's requested to ask the State on the measures it has taken to ratify Convention 189 of the ILO on Domestic Workers and to adopt the draft law amending the day, rest and composition of the remuneration of workers in private homes (Bulletin No. 8292-13).**

A significant percentage of migrant women in the country work as domestic workers. Many of them must resort to working under contract to obtain a visa and regularize their immigration status in Chile. This visa leaves them in a particularly vulnerable position since the end of the employment relationship expire the visa too, and so many of them are kept in unfair labor situations to not jeopardize their immigration status. If the State had fully adhered to the Agreement on Residence for Nationals of States Parties of MERCOSUR, the nationals of States Parties may access a residence visa, not depending on the will of the employer. **Therefore, we request the State to consult on measures taken to fully adhere to this Agreement.**

**It is requested to ask the State about public policies that promote inclusion, non-discrimination and diversity in the labor market, both in the public and private sectors.**

**Also to require information on cases of work harassment based on sexual orientation and gender identity, noting number of complaint, number of cases going to Labor Courts and Labor Court jurisprudence in this matter.**

#### **Article 8: Trade union rights**

As regards the right to strike, the Committee has "expressed concern that section 381 of the Labour Code provides for the possibility of replacing striking workers", in addition to expressing concern because "the essential services that may be prohibited strike are not defined with sufficient precision in Article 384."

It is equally troubling that Article 385 of the Labour Code provides that in the event of a strike by their nature, timing or duration causes serious harm to health, the supply of goods or services to the population, the economy produced the country or national security, the President of the Republic may order the resumption of work. Moreover, Article 254 of the Penal Code provides criminal penalties for disruption of public utilities or public utility or dereliction of duty of public employees.

**We request the Committee to ask State for information on reforms planned to amend the relevant provisions and, in general, promote supportive legislation and trade union support, where there is an effective respect for union autonomy and the exercise of the right to strike, in order to promote cultural change to eliminate the negative and pejorative connotation that the right to strike is predominantly in the legal practitioners, politicians and media.**

#### **Article 9: Social Security**

In its fourth periodic report, the State informs on the adoption of Act No. 20.255 Pension Reform Act (paragraph 65), noting that it introduced rules aimed at increasing gender equity in the pension system, however, discrimination persists structural forecasting system against women in various spaces. In the system of individual capitalization of Security Funds Administrators (PFAs), the use of life expectancy tables differentiated by sex remains, which is highly discriminatory and harms women as their life expectancy is higher, which means that with the same amount of pension savings, a woman receives up to 30% less pension than a man.

**We ask the Committee to ask the State which have been actions taken to correct the pension calculation system used by AFPs to consider life expectancy tables differentiated by sex, punishing women live longer than men.**

**Also to request the State about the status of Social Security (pension benefits, survivors' benefits, etc.) of same sex couples and about public policies that have been implemented in this matter.**

#### **Article 10: Right to a family**

The Chilean Constitution provides for the protection of the family as the fundamental unit of society and civil marriage law defines marriage (formal contract between a man and a woman) as the core of the family. Thus, protection of the family within the legal system is limited to the family based on marriage. While progress has been made in processing the Bill of Life Partner Agreement (AVP) to regulate civil unions between partners of the same or opposite sex, it does not yet meet the first constitutional procedure for approval and does not regulate the legal status of children of same-sex couples.

However, families not based on marriage and formed by same-sex couples are still treated differently in Chile being partially covered by specific regulations as "second class" families.

**We request asking the State for the measures referred to legislate on equal marriage, to regulate the legal status of children of same-sex couples, and how it intends to ensure that same-sex couples to participate on equal terms to adopt children.**

**We ask also to require the State information on measures to guarantee the right to marriage and family, as well as the right to adopt children, including people with disabilities.**

**It requests the Committee to require the State specific information on compliance with international obligations pending for the ruling of ICHR in the case of Karen Atala vs. Chile regarding the implementation of campaigns and ongoing training in Sexual Diversity and Human Rights.**

In its Fourth Periodic Report, the State emphasizes the enactment of the Domestic Violence Act (Law 20.066). **We request to ask the State of Chile information on the application of this law in same-sex couples.**

Regarding the general situation of children, Chile has yet to adapt their rules and practices to a comprehensive approach to protecting the rights of children and adolescents. At present there is no comprehensive state intervention acting to strengthen family and community networks of children's and adolescents, but does so in installments. Thus, many of the children and adolescents that are addressed by public programs for children are again violated by the State itself, instead of being protected by it.

**For this reason, we ask the Committee to ask the State of the measures taken and legal changes and or programmed aimed at achieving a comprehensive approach to children and adolescents under international law.**

Regarding the children's and adolescents currently living in "Protection Residences ", it should be noted that in 2013, cases have been revealed of children been victims of severe neglect, negligence and even criminal act of some people who were in charge of the Protection Residences. There are also children and adolescents staying for an extended period of time in Protection Homes and separated from their families of origin, without ensuring their best interests. **We ask to require the State information on measures taken in relation to these cases and the measures taken to prevent further such situations occurring.**

#### **Article 11: Adequate standard of living**

Poverty has significant effects on the development of people, so **we ask the Committee to require the State of Chile detailed information on the number of people in poverty by distinguishing between men and women, and also pointing indigenous people, children and adolescents, people with disabilities, and LGBTI in particular Trans population.**

In 2002, the Committee adopted its General Comment N° 15 recognizing the right to water, recognized Article 12 of the Covenant, and is an essential component of the right to enjoy an adequate standard of living and the right of everyone to the enjoyment of the highest attainable standard of physical and mental health.

In recent years there have been cases of drought in the country. These have their origin, among other things; in the lack of regulation in the Water Code of an order of priority between the different water uses, and the absence of a system of integrated watershed management. They also found shortcomings in the redistribution of water in areas of scarcity. Accordingly, **we ask the Committee to request information from the State on the measures taken to address the problems of drought in the country, and to ensure the right to water, including information on the delivery of water rights and priority uses.**

Moreover, the Covenant recognizes the right to adequate housing as an essential component of the right to an adequate standard of living. In its concluding observations of 2004, the Committee urged Chile to take effective measures to promote the right to housing, particularly among vulnerable group's measures.

Regarding this point its requests to **ask the State about the measures taken to promote access to adequate housing, including information on the access to housing programs by particularly vulnerable including migrants.**

Chile is a country where natural disasters continually affects the population, so it is suggested to **consult the State on preventive measures for containment and repair designed to support the population in emergency or disaster and the results thereof.**

The immediate surroundings of the population are relevant in determining the standard of living. Therefore it is suggested to **consult the state average of green areas per inhabitant in each region, and the access to them that has the population.**

#### **Article 12: Right to health**

Children must have adequate health care. **It is suggested to consult the state of the access children have to professional attention of psychologists, psychiatrists, neurologists, dentists, pediatric beds in hospitals and possibilities exam, detailing this information according to each region and policies implemented to improve equal access to these benefits.**

In relation to teenage pregnancy, in recent years the pregnancy and adolescents has increased, mainly focusing on vulnerable socioeconomic groups.

**We ask the Committee to consult the annual number and trend of teenage pregnancies disaggregated by socioeconomic status of young girls; concrete measures taken to prevent unwanted teenage pregnancies; action plans to implement continuous and permanent sexual education in time and to eliminate discriminatory content and stereotypes based on gender or sex content in sex education programs. Also, consult on measures taken to protect those girls pregnant product of abusive relationships, particularly girls with disabilities pregnant product of abusive relationships and incest.**

**We ask the Committee to request the State for the guarantees in health protection, based on the principles of universality, equality and solidarity financing and whether it has incorporated gender analysis into all policies and monitored their implementation.**

**Also require the State information on the implementation of actions to ensure timely and non-discriminatory services that Law 20.418 that sets the standards for information, advice and services relating to fertility regulation in Chile, point, especially contraception, with timely delivery of the Pill for Emergency Contraception and condom access, and regarding the access to information on matters of sexual and reproductive health.**

**It is requested to consult the State on the mainstreaming of sexual diversity and human rights in the plans of community involvement in prevention and health.**

**It is requested to consult the State on access, waiting times, specialized equipment and guarantees in the public health system, processes of readjustment body (mental orientation, hormone treatment and surgeries) by the transgender population.**

**It is requested to consult the State information related to drug abuse rates of LGBTI people and public policies implemented to respect, depression and or suicide.**

**It is requested to consult the State over which policies and financial measures has been provided to ensure the right to rehabilitation and inclusion supports with reasonable accommodation and universal design among the population of people with disabilities, according to PAHO/WHO standards.**

Chile has little evidence on the mental health of children and adolescents and lack of information about the actions that the State has undertaken to address the mental health of children and adolescents. However, we know that today one in five children and adolescents in Chile presents a problem with mental health along with disabilities, which interferes with its development in this stage of life as well as in later. For this reason, **it is suggested to request information from the State on the budget for the production of information on the subject of mental health of children and adolescents and how it is proposed to reduce the high rates of suicide in children and adolescents. It is requested to ask the State on how socioeconomic dimensions act as predictors for worse mental health of children and adolescents.**

The Committee recommended the State in 2004 through its concluding observations to strengthen its efforts to curb the spread of HIV / AIDS and other sexually transmitted diseases. In this regard, it would be appreciated **to require information on preventive measures, access to antiretroviral therapy nationally, particularly in people who are deprived of freedom requested.**

Moreover, **it is requested to consult the State on the response given to those who suffered irreparable damage to their health as a result of the impact of environmental pollution by industrial activity, as well as to report on the measures taken to prevent that activity has an impact on the health of the inhabitants of the territory.**

#### **Articles 13 and 14: Right to education and free education**

While access to school education is guaranteed, the country remains in the gap in the quality of education both in socio-economic terms as gender, impacting lower scores, according to the measurement systems used and selection, in the poorest and women. Has recently started a process to reform the education system would aim to ensure both equal access and quality of education.

**It is requested to consult the State about the measures planned to ensure equal educational outcomes for men and women, and to ensure a secular education free of sexist stereotypes.**

**It is also requested to ask the State on the development of educational materials in sexuality, the focus of the material and the impact of sex education policies, particularly in preventing teen pregnancy.**

**It is requested to consult the State the definition of what it means by sexist stereotype content and develop of instances and mechanisms to enforce and monitor the removal of such content throughout the educational system and textbooks.**

Currently in Chile, the failure to respect the gender identity of children and adolescents in schools results in the requirement to wear a uniform of an opposite gender with which they identify, systematically causing psycho-emotional damage that will undermine them their self-esteem and isolation and shame. Often the result of this discriminatory process is depression and suicide attempts, particularly in children and adolescents. **It is requested to consult the State how is intended to**

**protect the interests of children and Trans inclusive policies that integrate and ensure their legitimate right to education girls.**

**It is requested to consult the State on supplementing the school curriculum issues of sexual diversity, non-discrimination and elimination of homophobic bullying to ensure an education free from prejudice and discrimination.**

While Chile has legal regulations aimed at educational inclusion of people with disabilities, different situations prevent the effectiveness of the regulation. On the one hand, there are contradictions between legal instruments such as the Convention on the Rights of Persons with Disabilities, the law 20.422 (that Sets rules on equal opportunities and social inclusion of people with disabilities) and Decree 170 (that establishes standards for determining the students with special needs to be recipients of grants for special education), around the approach to disability and the concept of inclusive education; moreover, lacks specific regulations that enforce the provisions of the law 20.422, which also are consistent with the mandates of the Convention. Regarding access of students with disabilities into regular education, progress is not sufficient in terms of coverage. In fact, only 54% of schools that receive state funding have school integration program for students with special educational needs, of which the vast majority have no disability.

**It is requested to ask the State for information on the adequacy of internal rules with international law of human rights and an assessment on how to improve access for students with disabilities in regular education is required.**