

CHILE



PRESENTATION

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OF THE

5TH AND 6TH CONSOLIDATED REPORT OF CHILE

TO THE

COMMITTEE ON THE ELIMINATION OF ALL FORMS
OF DISCRIMINATION AGAINST WOMEN

Geneva, 2 October 2012
(check against delivery)

MISION PERMANENTE DE CHILE
ANTE LA CONFERENCIA DE DESARME
GINEBRA

Mrs. Chairperson and members of the Committee,

Human rights of women are a universal value for the development of humanity. This is our country's view. Their promotion and protection, **without any distinction whatsoever**, constitute a fundamental commitment for the State of Chile and a hallmark of our identity as a society.

Since 1980, year in which our country signed the Convention of the Elimination of ALL forms of Discrimination against Women (CEDAW), followed by its ratification and full integration into the domestic legal system in 1989, Chile has made every effort to achieve its *de jure and de facto* mainstreaming into society, so that all women may enjoy in **all** aspects of their lives the rights enshrined therein.¹

The post of Minister of the National Women's Service is an example of the measures adopted to reaffirm the importance of Women in our society. Entrusted with this task, it is an honor for me to head this Delegation representing our country in order to share with the Committee our achievements and endeavors, as well as our difficulties and challenges with regard to the full implementation of the Convention.

We wish to seize this opportunity to underscore the valuable contribution of the National Institute for Human Rights, whose Director Lorena Fries is here today, and of the Non-Governmental Organizations and human rights defenders to the promotion and protection of women's human rights. The State of Chile is committed to keep on furthering a constructive dialogue with all stakeholders with a view to taking concrete measures and actions in favor of women's rights.

The examination of the 5th and 6th Combined Periodic Report by the experts of this Committee represents for our country an opportunity to **evaluate and improve** our work. We wish to seize the opportunity to reaffirm our commitment to the UN Human Rights Protection System and our readiness to cooperate with **all** treaty bodies. A frank and constructive dialogue with the Committee will allow us to benefit from its vast experience in order to ensure steady advancement in the implementation of the Convention and in surmounting the numerous obstacles that still hamper equity and equal opportunity. Mrs Chairperson and distinguished Members of the honorable CEDAW Committee,

The report under review covers the period between 2006 and 2010. Since taking office on March 11th, 2010, the administration of President Sebastián Piñera has kept following, with renewed impetus, the roadmap set out by his predecessor. But new actions were also undertaken with regard to pending matters, among which I wish to underscore the issuance of a presidential instruction, aimed at generating mandatory participation of all State bodies in the supervision and annual follow-up of the Committee's Concluding Comments, through the Council of Ministers on Equal Opportunity.²

¹ Recommendation 29.

² Recommendation 26

Another example worthwhile mentioning is the edition and dissemination of the Convention in three main aboriginal languages existing in our country: mapudungun, aymará and rapa nui.

Our work rests on the concept of the universality, indivisibility and interdependence of all human rights. We are driven by our desire to imply not only this Convention, but also the related corpus of human rights treaties and their programs of action: the Beijing Declaration and Platform for Action, the Millennium Development Goals and the orientations outlined by UN Women and the UN Commission on the Status of Women (CSW).³

Mrs. Chairperson and Members of the Committee,

SERNAM, the National Women's Service I am heading, in its 21 years of uninterrupted existence since its creation in 1991, has played a key role in shaping important policies, programs and actions in the realm of **gender parity and non-discrimination against women**. Our Office is firmly established throughout the 15 regions of the country. Its funding – unlike other Ministries – has benefitted from a gradual increase of up to 84% during the period between 2006 and 2012. I am proud to say that our Service enjoys a most positive appreciation among the population, as a result of an increasing awareness among citizens of the importance of SERNAM's work in favor of the women of Chile.

Within the vast array of our activities, in this introduction, I would like to highlight for the Committee the issues that constitute the core structure of our work and which will be commented more in depth during our constructive dialogue. These issues are gender equality, education, health, labor, access to justice, gender violence and political and social participation of women in our society.

Mainstreaming the gender perspective into **all** programs run by the public administration is one of the most effective strategies to foster equity of opportunities between men and women. In fact, the composition of this official Delegation of Chile reflects this concept: apart from staff members of my Office and of the Ministry of Foreign Affairs, it is composed of representatives of the Ministries of Internal Affairs, Defense, Social Development, Economy, Education, Health, Labor and Agriculture, the Judiciary⁴ and the Police. The absence of a Parliament representative is due to reasons beyond control.

Our assignment is to provide the conditions that enable all women to realize their potential to the fullest possible extent. We have therefore institutionalized a series of tools of political and technical nature:

- The Council of Ministers on Equal Opportunity, which gathers once or twice a year **with the presence** of the President of the Republic.
- The third Plan for Equal Opportunities, 2011-2020.
- The Gender Agenda 2010-2014.

³ Recommendations 27 and 28

⁴ Recommendation 3

- **The Ministerial Commitments on Gender and the Program for Improvement of Gender Equality Management.**

In particular, thanks to the last of these tools, the State of Chile has been able to ensure, since the publication of the respective Presidential Decree of February 2010, **the provision of data, disaggregated by sex, on all spheres of action of the Ministries and Public Services, thus complying with the recommendations made by the Committee.**^{5 6}

As far as **non-discrimination** is concerned, the first article of the Chilean Constitution which establishes that “all human beings are born free and equal in dignity and rights”, has been reinforced with the recent entry into force of Act 20.609, which establishes measures against discrimination. This new Act constitutes the first complete and specific regulation for protection against any act of arbitrary discrimination which violates rights established in our legal system or in the human rights treaties ratified by our country.

Mrs. Chairperson and Members of the Committee,

With regard to **education**, our advancements are as relevant as our challenges. Our specific concerns are coverage, with a special focus on preschool education and drop-off for gender reasons, school curricula and sex education.

Today, **coverage** in the Chilean educational system amounts to 100% in primary education⁷ and 90% in lower secondary education⁸. Women, girls and adolescents are not subject to discrimination in terms of coverage. However, **we are still facing important challenges** with regard to the special educational needs of for example rural and indigenous women and girls, pregnant teenagers and adolescent unmarried mothers, as reported by our civil society.⁹

An encouraging fact to be mentioned, however, is that since 2008 the number of female college graduates, including graduates from technical and professional schools, outnumber male graduates: 6 out of every 10 professionals who complete their higher education in Chile are women, who, moreover, achieve BETTER academic results with less drop outs. Nevertheless, higher education for women remains a challenge for the country with regard to the incorporation of women in high paying jobs in what traditionally are considered male careers.

⁵ Final Recommendations 12, 16, 23 and 24.

⁶ List of issues and questions with regard to the 5th and 6th Report to the CEDAW nos. 6, 9, 12, 15 and 16

⁷ 2.030.829 girls and boys altogether

⁸ A total of 1.008.792

⁹ Executive Summary of the 2011 Report of the National Institute for Human Rights (INDH), page 7; Additional INDH Report to the Committee on the Elimination of Discrimination against Women 2012, page 10; Civil Society Report on the 5th/6th Periodic Report of Chile, 30 January 2012, page 7.

Particular attention has been paid to coverage at preschool level and its direct repercussion on working and/or student mothers. This is a permanent challenge, in spite of notorious improvement: preschool coverage rose from 36% in 2006 to 57% in 2011.

As for the structure of curricula, equity and quality are educational key concerns in Chile. The structure includes contents and learning results with gender perspective for primary and secondary education, while laying particular stress on the participation of girls and women in all branches of learning and at all levels of education.

A matter of particular concern has been the inclusion of the gender perspective in the working areas of the National Education Council : i.e. curricula and evaluation criteria, school textbooks tenders and work with publishers.

We are aware of the fact that pregnancy and maternity continue to be the main causes of female drop out. This is a matter of constant concern, which has given rise to special protection regulations aimed at providing the necessary facilities to allow pregnant and parenting adolescents to remain in the educational system. Since 2011 a specific, cross-cutting policy, as well as an inter-sectorial support network – Education, Health, SERNAM – has been put in place to address the needs of this vulnerable group. Statistics show that since 2011 there is a break in the trend of pregnant adolescents dropping out of the school system compared to 2009.

The National Sexuality and Emotional Learning Program, implemented between 2005 and 2010, yielded important results. 12000 educators were trained. In 2006 the Sexuality and Emotional Learning Policy was launched, covering 450 subsidized public establishments. These, however, only represent 3,6% of the establishments at national level. Therefore, the issues of sexuality, emotional learning and gender were restructured with a view to extending coverage in conformity with the new Act 20.418, which stipulates that educational establishments recognized by the State should include at basic secondary level a sex education program with contents geared towards responsible sexual behavior. Since 2011 seven programs on sex education are being offered and disseminated, from which the different educational establishments may choose. Our challenge today is to have these establishments elaborate and/or imply their own curriculum based upon the proposed guidelines. I would also like to mention that from 2013 onwards, starting from the first grade of primary school, the subject Orientation will obligatorily include contents related to sexuality, discrimination and crime.

Mrs. Chairperson and Members of the Committee,

In the **health** area, our attention is focused on life expectancy at birth, maternal mortality, diseases linked to malnutrition, as reported in the Global Gender Gap Index of the World Economic Forum, where Chile is listed among the 40 highest ranked countries.

A big step forward, result of a considerable effort, was made in Chile with the creation of the Plan for Universal Access and Explicit Guarantees (the so-called AUGE Plan), which provides free healthcare access for 60 pathologies, among which those with major incidence in Women are prioritized.

It is worthwhile mentioning that healthcare for HIV positive women and their babies is provided free of charge. Prevention of vertical transmission has been part of the priorities in the health sector and was incorporated in the Health Goals for the Decade 2000-2010. In the framework of the Millennium Development Goals, the goal set for 2015 of reducing the HIV rate in pregnant women to 0,05% was achieved in 2010.

But we are not self-satisfied. Although proud of our advancements, we are also aware of the challenges left to be faced, particularly with regard to teen health, shared parental responsibility and the right to sexual and reproductive health.

Thus, health and adolescent pregnancy prevention constitutes an issue that requires specific action. Therefore the 2011-2020 National Health Strategy comprises the objective of a 10% decrease in the projected adolescent pregnancy rate. In addition, adolescent health is being addressed in terms of sexual, reproductive and mental health, with a preventive and promotional focus on primary care. In this context the establishment and increase of the number of teen-friendly reproductive health care and counseling centers deserves special mention.

With regard to the **right to sexual and reproductive health**, a step forward was the publication of the "Technical guidelines for women affected by miscarriage or other reproductive losses", intended for health care professionals, and the implementation of the New Act (20.428), of January 2010, which provides guidelines for Information, Orientation and Services with regard to Fertility Regulation and establishes the state policy with regard to sex education and free supply of emergency contraceptives within the public health system. It has been noted that the distribution of emergency contraceptives is showing sharp increase. Between January and August 2011 3,758 doses of the drug were given out, which exceeds the total number of doses given out in 2010. This increase is explained by the flexibilization of the supply mechanisms and a greater availability of the pill. Actually, midwives are now allowed to give the contraceptive without the requirement for a patient specific prescription.

There are, nevertheless, other urgent needs to be addressed, such as the elimination of discrimination within the health and social security system against women of reproductive age and the promotion of shared reproductive health responsibility.

Mrs. Chairperson and members of the Committee,

As far as **labor** is concerned, we are determined to continue implementing incentive programs for women's labor and economic insertion. It is our understanding that women's full participation in the work force contributes to their **OVERALL DEVELOPMENT**. This is not only **the aspiration we have as a society but also a permanent priority concern of the State**.

Equal opportunities for men and women in the economic field require the elimination of discriminatory obstacles and practices with regard to access, job quality, tenure, remuneration and access to decision-making positions for women in the labor market.

Amongst the advances made we wish to bring to the attention of the Committee that

- At present, a new Act protects the right to equal pay for equivalent work, without sex being a reason for discrimination, but there is a need for implementing a more specific pro-active inspection procedure.
- Sexual harassment and harassment in the workplace is legally sanctionable.
- We have made endeavors to change stereotypes and cultural patterns of behavior, both in the public and in the private sector.
- We have created a certification scheme for Gender equality and conciliation of work, family and private life, which offers to any organization, regardless its size or sector of activity, the possibility of applying for a gender-equality label (“SELLO IGUALA-CONCILIACIÓN”). The label is in conformity with ISO standards.
- Act 20.545, entered into force on 17 October 2011, extends the paid post-natal leave period, for all working women in the country who pay their social security contributions, to 24 weeks, with the possibility of passing on part of this benefit to the father.
- The working conditions and labor protection of **female domestic employees and women seasonal farm workers** have been gradually improved.
- In 2012 the Female Employment Bonus was introduced as an incentive for women’s participation in the workforce and their recruitment by employers. It benefitted 250.000 women.
- Additionally, the State is focusing on the training of women for work in non-traditional areas, in particular mining, which allows women workers to triple their revenue. During the current year 1695 were qualified under the “Women Miner Program”.

The task we have taken upon ourselves, as a country, is to outline and implement at the labor market gender policies that will permit the improvement of conditions and participation of women in the labor market. In order to evaluate the effect of these policies, we have created yardsticks, as recommended by the Committee. In relation herewith the first ELPI Enquiry was implemented in 2012.

We consider it indispensable to promote the empowerment of women as social stakeholders, particularly in decision-making positions in workers and trade associations and in the social world. In this context, we cannot fail to mention that for the first time in the history of our country a woman has been elected as President of Chile’s Central Workers’ Union (CUT), which constitutes no doubt a cultural progress in the elimination of stereotypes and a great opportunity to advance in these common challenges.

Decent work implies social protection and addressing inequalities. It should be gender-focused and include a **context-specific approach**. Chile has gradually incorporated this approach into its Pension Reform, which resulted in increased pensions for women through pension bonuses for childbearing (Bono por Hijo), in a raise of the basic solidarity pension and of the solidarity pension contribution for old age and disability

Mrs. Chairperson, distinguished members of the Committee.

Modernization of the legal system has constituted one of the main commitments of Chile with regard to **access to justice**, which resulted in the creation of a specialized interdisciplinary court for family affairs. **To avoid litigation and double victimization of women constitutes a civil commitment**. In this context, we underscore the signature of a Framework Convention on cooperation between the Judiciary and the National Institute for Human Rights.

Thus the Family Law of our country is gradually being adapted to the CEDAW Convention and to the Convention on the Rights of the Child. In this context, we report the adoption of a new Civil Marriage Act which, apart from legitimizing the right to absolute divorce, contains the first explicit recognition of the economic value of child-rearing and education in the form of a tax-free financial compensation.

Another priority is the treatment of **domestic violence**. The new Family Justice system was accompanied by a fully revised domestic violence regulation. The present law grants equal protection to the victim and the family members, regardless of the civil nature of the relationship. **Habitual ill-treatment is subject to criminal sanctions**, Chile being one of the few countries with such legal provision. **Timely protection for victims is a primary objective**. Thus the law defines risk presumptions that may give rise to the dictation of precautionary measures. Our concern is extending such measures in type and duration and improving the implementation of alternative solutions beyond termination or suspension of the procedure.

In 2010 entered into force Act 20.480, which typifies the crime of femicide, including ex partners within the penal type. We wish to draw the Committee's attention to the fact that this Act also establishes a new ground for exoneration from criminal responsibility for women victims of domestic violence. This means that when a woman is accused of aggression or murder of her partner, she may be absolved in case of the existence of a previous history of violence.

The State policy applied in Chile to fight violence against women has permitted a gradual decrease of the number of femicides in our country from 57 in 2008 to 55 in 2009, to 49 in 2010 and to 40 in 2011. These figures include women murdered in dating situations, which are registered, although not taken into consideration by the law, due to the difficulty of certifying the existence of a relation. In this context, it is worthwhile mentioning that a prevention campaign against dating violence was carried out in our country with wide social participation, with a view to early detection of violence among young people. At SERNAM we are also working on a bill of law on sanctioning this type of violence.

Finally, I would like to inform the Committee that the work of SERNAM is extended beyond domestic violence to include assistance in case of trafficking and sexual violence.

The Human Trafficking Act, promulgated in April 2011, constitutes an explicit recognition of all rights set forth in the Palermo Protocol. This issue is tackled through a coordinated inter-disciplinary strategy with multi-sectorial public and private participation, including NGO experts. We also have our first anti-trafficking Program and we already achieved a first conviction according to the new law. A great step forward to be mentioned is the creation of the FIRST SHELTER for victims of trafficking, which provides accommodation for and assistance to women, victims of sex trafficking, and their children.

As for as sexual, in 2013 SERNAM will inaugurate 3 specialized centers for the care and reparation for adult women victims of sexual abuse, as a first step towards a more integrated care for victims of this type of violence.

Mrs. Chairperson, distinguished members of the Committee,

In Chile, the presence of women in spaces of political participation has advanced over time at every electoral process. However, this does not concur with the percentage of women voters of 52.6%¹⁰. In the five parliamentary elections that took place since 1993, the number of women on the lists of candidates to Parliament never exceeded 20%. Their participation in the present term of office (2010-2014) amounts to 14,1% in the House of Representatives and 13.1% in the Senate.

A similar proportion is to be seen in the composition of Ministries, where out of 22, only 4 are headed by women. A same pattern is to be noted with regard to women representatives in governments. In the Supreme Court of Justice, only 5 out of 21 posts are held by women, the highest percentage for years.

Although recognizing that these figures show that we have still long way to go, we have made some steps in the right direction:

A series of projects was implemented aimed at strengthening democracy and encouraging a more active participation of women, such as automatic inscription and voluntary vote, thanks to which more than 2.3 million women will be able to vote for the first time in the municipal elections of next October, in the obligatory primary elections and in the direct election of Regional Counselors, thus providing more spaces of participation and greater transparency of the system.

Moreover, in cooperation with UNDP and NGOs from our country, the Program of "600 women leaders for Chile" was successfully implemented. This program was intended for women leaders representing the whole political spectrum and proceeding from all regions of the country.

¹⁰ In the last election in 2009 registered wome voters amounted to 4.356.563.

We are aware that it is necessary in the Chilean society to break historically rooted cultural patterns. This is a permanent and increasing common challenge, which requires the active participation of all of components of society.

Participation in society of groups of women in situations of vulnerability, mainly consisting of indigenous women, rural women, elderly women, women with disabilities, women deprived of liberty, women heads of households and LGBT women, also constitute an important working area, which presents increasing challenges.

Special regulations and programs have been created for the protection and advancement of the women pertaining to each of these groups, with special attention for their conditions and difficulties.

Likewise, dialogue and direct participation have also been fostered through working mechanisms such as the National Level Table of Dialogue for Rural Women Workers, instances for the coordination with civil society and the creation of Advisory boards and services.

Among the groups in situations of vulnerability, it has been problematic to implement gender policies with regard to women with disabilities and we are particularly concerned about their lack of access to employment and training programs, and about the situation of women in charge of a person with disability.

It is clear that gender equality mainstreaming and eradication of discrimination against women are transversal issues, which involve all areas and instances of public administration. Therefore coordination and consistency are indispensable.

Mrs. Chairperson and honorable members of the Committee,

I cannot conclude this presentation without thanking you, on behalf of my country, for the unceasing commitment with which you are contributing to turning the human rights of our women into an unquestionable reality, ingrained in the mind of each and every one of us, men and women, as an invaluable good, without which no society can advance.

And with this recognition, we reiterate our commitment to the human rights of women, with the constructive and frank disposition to face, in the best possible way, the challenges we may take up together today. We submit to the Committee the 2011-2020 Equal Opportunity Plan for Men and Women, the 2010-2014 Gender Agenda, the translation of the Convention into the original languages and the 5th and 6th consolidated Country Report.

I conclude reiterating the irrevocable commitment of the Government of Chile to the promotion and protection of human rights.

Thank you.