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COMBINED FIFTH AND SIXTH PERIODIC REPORT OF CHILE TO THE CEDAW COMMITTEE

GENERAL CONSIDERATIONS

1. Women's human rights have long concerned the Chilean State and in the last two decades a number of laws and regulations have been adopted and reformed, and public policies implemented in order to guarantee these rights. The State's periodic report concerns steps taken towards this end during the period 2006 – 2010. Although not forming part of the review period of the Committee it is relevant to note some new measures taken in the previous two years reflecting the will of the State to support women's human rights. These include the extension of postnatal care provision to 6 months, and the proposed reform of the joint marital property regime currently undergoing legislative approval in Parliament.

In spite of all this, Chilean society maintains a number of regulations and institutional, social and cultural practices which entrench the subordination of women and infringe upon their rights. Within the intimate and private spheres, as much as in the public one, women continue to face obstacles limiting their full autonomy and exercise of rights as compared to men.

2. The State faces the challenge of producing sufficient and consistent information disaggregated by sex and other variables, like age, ethnicity, and nationality that have historically been subject to discrimination. The lack of information limits its obligatory fulfilment of promoting, respecting and guaranteeing human rights of women across the country, and makes more difficult the task of overseeing the implementation of policies seeking to minimise the female inequality gap prevailing in the worlds of work, politics, health, education and culture.

3. Programmes of equal opportunity between men and women have guided public policy in favour of women's human rights since 1994¹. The previous Government evaluated the results for the period 2001-2010 (some of which are included in the periodic report to the Committee), proposing a new plan for the period 2011-2020 based on the principles of equality, non-discrimination, autonomy, and social responsibility. Concerns remain as to this policy's overall lack of continuity. Furthermore, the sought after goals, objectives and results of the current decade's plan remain unknown. Overcoming discrimination against women and ensuring their full exercise of rights demand sustained State action and the formulation of long term policies with measurable goals and objectives.

4. Key work announced by SERNAM (the National Office for Women's Affairs) for the period 2010-2014 includes: i) female entrepreneurship; ii) female incorporation into the labour market, with family balance; iii) the reduction of domestic violence and family disintegration; iv) the promotion of women's participation in the public sphere; and v) the strengthening of the family as the foundation unit of society. A positive aspect of this is SERNAM's proposal to implement programmes geared towards strengthening links between women and the world of work, their participation in the public

¹ First Equal Opportunities Programme, 1994-1999; Second Equal Opportunities Programme, 2000-2010.

sphere, and the eradication of domestic violence. However, a particular concern of this Institute is the preferential role subscribed to women within the family, thereby favouring a traditional notion of gender over a more pluralist one. There are many ways in which women shape their family and affective spaces and all deserve equal worth and protection.

5. The periodic report notes the differing impact of legislation and public policies in overcoming discrimination and the full exercise of women's rights. Poverty, residence in rural areas, ethnic background, nationality, age and sexual orientation, among others, all bear strongly on the genuine opportunities of women and make the scale of human rights discrimination and violation all the more complex and numerous. The case of Gabriela Blas exemplifies this. An Aymara shepherdess accused of abandoning, and therefore directly causing the death of her 3 year child, she was sentenced to 12 years imprisonment for second degree murder by the courts. In the INDH's (National Institute of Human Rights') Annual Human Rights Review of Chile 2011 the case was used to exemplify how the justice system constitutes the final link in the relationship between the accused and the State in reinforcing social exclusion and discrimination, previously established within other institutional circles. Although the diagnosis is well known (as shown by, among others, health profiles, salary levels, links to the labour market, and the prevalence of femicide), State action remains weak in reducing discrimination against women in the exercise of fundamental rights.

OBSERVATIONS ON THE INITIAL COUNTRY REPORT IN COMPLIANCE WITH CEDAW COMMITMENTS

Equality and non-discrimination

6. **Reform of the joint marital property regime.** Although falling beyond the formal period of review of the periodic report it is relevant to highlight a bill of the current Government entitled *Modifying the Civil Code and additional laws regulating joint marital property regime*². In terms of equality, it grants women the ability to manage their own estate as well as all joint assets produced during the marriage. Nonetheless, the bill maintains certain provisions that might infringe upon the principle of equality, including the default status of the joint marital property regime, and the appointment of the spouse administrator of the joint estate by mutual agreement. The State is obliged to inform individuals signing a marriage contract of the diversity of marital systems available, and from which to choose, in a clear and understandable manner. If this does not happen and spouses remain silent, perhaps due to misunderstandings, the State arbitrarily selects as administrator one spouse or the other. The mutually agreed estate administration proposed by the bill does not lead to genuine equality given the prevailing gender roles in Chile that could be achieved by a co-administration of marital assets, handing decision making power and control to women.

7. **Special temporary measures to accelerate de facto equality.** Positive discrimination (also known as affirmative action) is one type of special temporary measure recognised in the human rights field as facilitating equality of opportunity, that otherwise relies on being brought about nominally or formally. At present the State is dwelling on what steps to take towards substantive rights equality

² Legislative Bulletin 7567-07, April 2011 (the Legislative Bulletin, managed by the National Library of Congress, is where State bills, laws and legislation are published publicly).

for women and Parliament has debated the possibility of adopting positive discrimination policies³, but no significant progress has been reported to date. Chile will hold municipal elections later this year, and Parliamentary ones in 2013 and the forecast is for no significant increase in the number of female candidates or potential winners. The periodic report announces that SERNAM will work towards strengthening women's political participation, including a desired 40% increase in the number of female councillors in 2015. It is not, however, explained how this will be achieved. Conversely, the adoption of positive discrimination measures was rejected by the anti-discrimination bill recently approved by Congress⁴.

Economic autonomy and work

8. Difference in salary. A positive step forward during the period of review is the enactment of law 20,348 safeguarding equality of pay⁵. However, in mid-2011 the Superintendence of Pensions declared the salary gap would have increased by 17%⁶. A Department of Labour study compiled one year after the law's declaration confirms "a low degree of obligation compliance on behalf of the employer" and in addition to the limited promotion and training relating to its implementation, "the law is little known and the unions surveyed don't understand clearly how to exercise this right"⁷. The State is required to adopt additional, non-regulatory tools to create a new culture of equal treatment between men and women in the world of work. This is particularly relevant given that the law holds the worker individually responsible for speaking out against discriminatory practices, as well as taking into account the INDH's National Human Rights Survey 2011 that found 66.4% of Chileans believe that by standing up for their labour rights they run the risk of losing their job⁸.

9. Labour force participation. The State reports on ongoing programmes to increase participation of women in the labour force, with special emphasis on programmes working in cooperation with the poorest fifth of the population, within which are recorded the lowest rates of employment linkage and the highest rates of unemployment⁹. In fact, female labour participation has increased in the last few years: SERNAM measures it at 47.8% at the end of 2011 (still 26 percentage points below male participation) and reports that 63% of the 211,000 jobs created in 2011 were filled by women. However, the concern is that this statistic is based on precarious and unstable employment. Indeed,

³ Bulletin 5553-06, a bill that establishes equality between men and women to the access and fulfilment of jobs dependent upon popular election, introduced in December 2007.

⁴ Bulletin 3815-07, Establishing Measures against Discrimination Bill, introduced in March 2005.

⁵ Law 20,348 incorporates into the Labour Code the right to equal pay between men and women undertaking the same job. Published in the State's Official Gazette, 19 June 2009.

⁶ Emol.cl, Figures from the Superintendence of Pensions: The wage gap between men and women has grown and now stands at 17%, 3 September 2011. Women have a lower average wage than men and the gap is increasing with age rating, reaching 31.9% over the 13 years of study. (Social policy report, Ministry of Social Development (MIDEPLAN) 2011).

⁷ Department of Labour (2011). "The right to earn the same. Law 20,348, pay equality between men and women". Labour issues N° 27.

⁸ National Institute of Human Rights, First National Human Rights Survey, 2011, available at www.indh.cl

⁹ By disaggregating female participation in the labour force into fifths it is evident that the rate in the poorest section of society is substantially less than that of higher income sections: the rate is 25.5% in the first quintile, 35.1% in the second, 43.3% in the third, 51.7% in the fourth, and 58.7% in the fifth. In terms of unemployment

specialised bodies claim that 47% of these female jobs are self-employed roles, and 34% salaried: “Self-employed work observed in this period is mainly unstable, with high rates of part time work and lowly qualified workers”.¹⁰ In terms of salaried employment, 100% relates to “sub-contracting, temporary services, and the supply of personnel and recruiters, signifying greater instability in the world of work”¹¹.

10. The periodic report mentions the passage of public policy laws and initiatives like the Levelling-off Model and the best labour practices code on non-discrimination. Advances made show that, although necessary, such measures remain insufficient in altering the cultural norms that limit women’s participation in the labour force, and in overcoming discrimination that entrenches unstable, unprotected and badly paid work. Many regulations are not common knowledge and not upheld sufficiently for changes to occur, as is the case of equal pay and sexual harassment laws.

11. Work contracts and labour conditions. In 2011 the Government presented the results of the first National Survey of Employment, Work, Health and the Quality of Life of Workers in Chile, 2009-2010. The INDH recognises the importance of this study in understanding the link between the conditions of employment, work and health. Its results demonstrate that in the private sector women have less access to written contracts than men; 70% and 85.9% respectively. The disaggregated data by levels of education shows that most women without contracts are those with less formal education (49.6% not having completed school, as compared to 88.7% who have completed university level education). Alternatively, women are far more likely to engage in verbal contracts, especially in the service and commercial sectors (34%), in which female employment abounds.

12. Reproductive work and labour conditions. Given the link between high rates of female reproductive work and family care at home, and low rates of female participation in the labour force, the periodic report notes that public policy is attempting to make family and work more compatible¹². While such policies have been directed primarily at women, thereby reinforcing the cultural norm that women are responsible for domestic chores and child care¹³, it is worth noting that reforms aimed at strengthening joint responsibility have been introduced¹⁴. Nevertheless, the low percentage rate of men opting to take up care responsibilities under these postnatal reforms (just 0.6% of new fathers have used their full 7-week paternity leave entitlement) demonstrates that

the pattern of inequality is repeated: 32.6% in the first quintile and 5.6% in the fifth. (National Socioeconomic Survey (CASEN) 2009).

¹⁰ Fundación Sol. Employment report N° 4, July – September 2011. Labour Statistics Unit.

¹¹ Ibid.

¹² According to the National Institute of Statistics’ National Labour Survey, the main reason why women have fewer links to the labour market is due to domestic work and care of children or the elderly (36.7%), followed by academic studies (19.2%). National Labour Survey, quarterly report January-March 2011, National Institute of Statistics.

¹³ 83% of women claim sole responsibility for the carrying out of domestic chores, including child raising and care. UNDP: Human Development in Chile 2010, Gender: the challenges of equality.

¹⁴ Law 20,545, which modifies maternity protection regulations and incorporates postnatal parental leave, passed in October 2011. Essentially, the new law allows for the choice of an extra 3 months of leave, in addition to the previous 3 months. Therefore, mothers adhering to the necessary financial prerequisites are able to access up to 6 months of maternity leave. The law also allows fathers to access up to seven weeks of paternity leave, if the mother agrees.

associated cultural resistance still prevails in Chilean society. Generally, paternal child care benefits granted by the legislation are only accessed in the absence of the mother.

13. Domestic workers in private homes. It is estimated that approximately 300,000 women work in this sector, including a large number of immigrants¹⁵. The periodic report documents legislative steps taken in changing the minimum wage, the right to rest on public holidays, and maternity leave, plus the passage of a bill putting a domestic worker's work-week (sometimes up to 72 hours) on a par with the standard regulatory 45 hours per week. The scrapping of this arbitrary distinction must be effectively supervised, especially given that legislative non-compliance in so many cases derives from discrimination based on socioeconomic status, ethnic origin or nationality¹⁶.

Sexual and reproductive health and rights

14. Teen pregnancy. In Chile 48% of teenage mothers belong to the socioeconomic level below the poverty line, and 74% of these to the two lowest earning quintiles¹⁷. Of the mothers between 15 and 19 years old, 54.5% come from the poorest rural parts of the country¹⁸. 80% of all teenage mothers drop out of their academic studies.

15. The reduction in teen pregnancy was a health objective for the period 2000-2010, with a target of reducing the birth rate of teens between 15 and 19 years old to 46 per 1000 live births, and of girls between 10 and 14 years old to 0¹⁹. Evaluation of evidence shows that in 2007 the teens' rate measured 53.4, while that of the younger girls did not drop below 1.2. Health authorities have therefore maintained the target of reducing teen pregnancy in the National Health Plan for Achieving Health Objectives 2011-2020²⁰.

16. A step forward during this period has been the passage in February 2010 of Law 20,418 "Setting Standards on Information, Guidance and Services in Fertility Regulation". Its promulgation settles a long debate surrounding emergency anti-contraception and the age limit at which young girls and women can access the anti-contraceptive pill²¹. In spite of this women continue to encounter problems in accessing anti-contraceptives, emergency anti-contraception in particular. The law

¹⁵ 70% of Peruvian women in Chile carry out domestic work in private homes. Núñez, Nuria y Torres, Carmen (2007), "Peruvian women migrants and reproductive health", UNFPA and the Fundación Instituto de la Mujer, Santiago.

¹⁶ For further information see www.sintracapchile.cl

¹⁷ National Standards on Fertility Regulation, at: www.bcn.cl/carpeta_temas/temas_portada.2006-10-03.7146246056/mas-documentos-sobre-embarazo-adolescente/NormasFertilidad%20MINSAL.pdf, p. 122.

¹⁸ Ministry of Health (2009). Audit of Teen Pregnancy in Chile.

¹⁹ Ministry of Health. Health Objectives 2000-2010. Available at www.epi.minsal.cl. At the beginning of the decade the respective rates were 65.4 and 1.7 per 1000 live births.

²⁰ Ministry of Health. Strategic Health Objectives, draft consultation document. Final Draft, 10 November 2010.

²¹ The Fertility Regulation Rules allowed its distribution across the public health network at the request of any woman in need. A Constitutional Court ruling (ROL 740-07-CDS) later repealed the service and limited its distribution to cases of sexual assault. Then, the Ministry of Health granted Municipal authorities the power to distribute the pill or not (as autonomous entities in charge of their own health services). The Comptroller's Office subsequently ruled that the Municipalities did not have this authority (Ruling 31,356, 16 June 2009).

provides no implementing regulation, and therefore the continued discretion of numerous public bodies regarding its free distribution is affecting the exercise of previously guaranteed rights. According to a study by FLASCO²² in 2010, a third of health clinics fail to provide the emergency contraceptive pill to those in need²³. Appropriate and informed access to anti-contraceptive methods is key to the fulfilment and exercise of reproductive and sexual rights. The State must make available the economic and technical resources necessary for the exercise of these rights, particularly access to emergency anti-contraception.

17. In Chile all forms of abortion are subject to criminal punishment, despite the recommendations of different organizations charged with overseeing treaty compliance, including the CEDAW Committee. Nevertheless, the abortion debate in certain circumstances has taken place in numerous ways, including specific cases within the press. In fact, abortion was one of the issues addressed in the last Presidential election campaign, notably in relation to the repeal in 1989 of therapeutic abortion. Various bills have been drafted in Parliament proposing reforms to existing legislation in order to allow the regulation of abortion in certain cases where the health and life of the mother is at risk, for reasons of serious foetus malformation, and for rape. However, these bills have not progressed beyond Parliamentary debate, with three recent bills calling for abortion legislation having been rejected²⁴.

Right to a violent-free life

Trafficking

18. Chile is a country of origin, transit and destination in the trade of men, women and children with the specific purpose of sexual and labour exploitation. Although beyond the review period of the country report, the INDH deems the new April 2011 criminal classification of human trafficking as a step forward. In addition to sexual exploitation it amplifies the crime to include forced labour or services, servitude or slavery or other related practices, or the extraction of organs²⁵. The reforms do not include the internal trafficking of people, even though this still takes place across Chile.

19. Despite the periodic report referring to the creation of the Multi-Sector Board on People Trafficking whose objective it is “to coordinate action, plans and programmes of the various institutional actors in the prevention, suppression and punishment of people trafficking, especially women and children”, it has not been possible to ascertain its action plan, the work it has

Finally, law 20,418 reinstated the service and allowed the pill’s distribution throughout the health system to any woman in need.

²² The Faculty of Latin American Social Sciences.

²³ Dides, Claudia et al. Distribution of the emergency anti-contraceptive pill in Chile’s Municipal health system. Status report 2010. FLASCO, Santiago.

²⁴ The rejected bills are: 1) Therapeutic termination of the pregnancy (Bulletin 6522-11) presented by Senator Camilo Escalona in May 2009; 2) Modification of the Health Code to incorporate the cutting short of a pregnancy in certain cases (Bulletin 6591-11) presented by Senators Guido Girardi and Carlos Ominami in July 2009; 3) Decriminalizing pregnancy termination for medical reasons (Bulletin 7373-07) presented by Senators Evelyn Matthei and Fulvio Rossi in December 2010.

²⁵ Law 20,507, 8 April 2011.

undertaken nor the results of these²⁶. A serious problem remains of lack of production and compilation of information surrounding trafficking, making an accurate diagnosis difficult to come by. Chile does not have a registration system which would allow greater understanding of the problem, the type of exploitation, identification of where it is taking place, the identifying of victims by sex, nationality and age, plus other information necessary for the prevention and alerting of the problem, and victim protection. Few public bodies, including the National Office for Minors (SENAME) and the Investigative Police, have relevant programmes or trained staff.

20. In May 2011 it was reported that a group of Paraguayan citizens was the subject of labour exploitation, a case in which the INDH has lodged a legal complaint. A group of individuals were rounded up and transported to Chile with the idea of undertaking what can be classified as at least something similar to forced labour, in poor human and working conditions. The case has currently been suspended at the investigation stage given the poor health of the main individual accused. In virtue of its human rights obligations the State must investigate and penalise with due diligence anyone responsible, and provide the Paraguayan citizens with protection and redress. During 2012 the INDH has lodged two further legal complaints: one for the exploitation of women from the Dominican Republic, and the other for labour exploitation of Peruvian citizens. Both are currently underway in the courts.

Access to justice

21. The eradication of violence and discrimination against women requires comprehensive policy making, and although the Chilean State has addressed issues in this area, much remains to be done. The lack of understanding and training in gender issues of key players, and shortcomings in legal proceedings as a result of few women holding positions of power in the administration of justice²⁷ are just some of the weaknesses the State has to overcome in order to satisfy the demand for justice in the broad sense.

22. The passage of law 20,480, widening the scope of the crime of parricide (to include a former spouse and cohabitant) and determining the aggressor as having committed femicide is a step forward. Nevertheless, access to justice remains one of the main problems in the protection of women's human rights.

²⁶ During 2011 the INDH sent the Ministry of the Interior two official requests for this information (N° 196 and N° 493, 4 May and 16 August respectively) but to date has received no reply.

²⁷ Numerous studies show how gender diversity in the composition of seats of power and decision making impacts upon the type of decision taken and sentence applied. In Chile, the quantity of women in different courts across the country is as follows: it rose from 20% to 35% between 1995 and 2009 (including Supreme Court, Courts of Appeal and Constitutional Court); however, they continue to constitute just 30% of Ministers and 32% of Court presidents. The first woman in the Supreme Court was María Antonia Morales in 2001. (UNDP: Human Development in Chile 2010, Gender: the challenges of equality). A similar situation exists in the Attorney General's Office (Ministerio Público): 28% of public prosecutors are women and only one is a regional public prosecutor (out of a total of 18). In the Legal Aid Office (Defensoría Penal Pública) only one regional office is headed by a woman. (Information taken from the websites of the Attorney General's Office and the Legal Aid Office, August 2011).

23. The State has still not produced information or statistics relating to the magnitude of the problem. However, studies by public bodies have deduced that at least 1 woman in 3 has experienced domestic violence while living with their partner²⁸, and public safety and court statistics show a steady increase in the number of incidents of violence and cases proceeding to court in recent years²⁹. Legal settlement of criminal cases show the proportion of extra-judicial settlements thrown out by the system has not changed substantially, neither has the relationship between convictions and conditional suspended sentences, signifying a worrying pattern of sentencing³⁰. Elsewhere, in the family courts the information provided by the Administrative Corporation of the Judiciary does not allow differentiation between convictions and conditional suspended sentences.

24. **Femicide.** Efforts by the Judiciary and the Attorney General's office have focused on granting measures to protect the life and wellbeing of women seeking to report violence as quickly as possible. Government policy has tasked itself with increasing the number of care centres and shelters for assaulted women across the country. Such initiatives highlight the concern to improve the protection of women living in risk of violence from their partners or former partners. However, the high rate of femicide in the country³¹ and the discovery in numerous cases that victims had been granted protection measures show that the current response is still insufficient in dealing with such a widespread and complex phenomenon. It must be pointed out that no information exists in the criminal or family courts regarding compliance or non-compliance of preventive measures or suspended sentence conditions, making the required political response and its evaluation all the more difficult.

25. **Campaigns and prevention.** Violence towards women is deeply entrenched in Chilean society. Its eradication relies on prevention and treatment in the public services and the prosecution of those whom commit it. All three of these approaches are integral to tackling the problem, but have been disaggregated and not equally developed in Chile. The State's response, as across most of Latin America, has focused on the judicial and criminal dimension and subsequently resulted in an insufficient protection of the citizen to whom it is obliged to protect. What is needed is concerted and sustained political and institutional will to develop preventive measures that include permanent campaigns and a rights-based focus.

²⁸ The Ministry of the Interior's 2008 National Victims of Crime Survey shows that the rate of female domestic violence is 35.7%. The data relates to women over 15 years of age who have lived with a partner; it therefore excludes violence taking place within non-cohabiting couples and sexual assault committed by family members. Available at www.seguridadpublica.gov.cl/files/presentacion_violencia_intrafamiliar_v2.pdf.

²⁹ The Ministry of the Interior reports that the number of domestic violence complaints has grown from 390.3 per 100,000 inhabitants in 2001 to 638.5 per 100,000 inhabitants in 2010. Similarly, the Attorney General's Office states that 53,963 cases were reported in 2007 compared to 117,145 in 2010.

³⁰ Legal settlements were 50.6% in 2008 and 56.5 in 2010, according to Attorney General Office figures. Of these, convictions were 9.5% and 9.9% respectively. Extra-judicial settlements have varied from 49.4% to 43.4% in the same time period.

³¹ According to information from the Chilean Network against Sexual and Domestic Violence, from 2001 until the present there have been more than 500 murders of women for reasons of gender. Available at www.nomasviolenciacontramujeres.cl

Education

26. The means of coverage within the education system have long ceased to present gender gaps. However, reasons for drop out or educational assistance (National Survey of Socioeconomic Patterns, *CASEN*, 2009) relate to traditional patterns of gender: men drop out for work, women for reproductive and domestic work reasons. Educational shortfalls prevail in certain groups of young women and girls, such as those with irregular immigration status or refugees who cannot access the education system due to a lack of documentation proving their previous studies. Although the Ministry of Education has regulations addressing this issue, they do not contain provisions in response to these particular needs. Youngsters in detention face a similar situation. Numerous juvenile detention centres lack schools or regular education programmes, only 31% of women in detention centres access the school reintegration process, and those in semi-closed facilities requiring reinsertion back into regular education face segregation, which often leads to self-exclusion and low school attendance, especially in the standard system³².

27. **Sex education.** Opposing views on how best to teach this subject have resulted in an ambivalent education policy which places primary responsibility within the family, while giving “full planning and programming autonomy to the relevant institutions according to their particular community educational requirements”. The State has a responsibility of educational promotion and regulation and cannot delegate this in the name of freedom of education. Of the seven programmes implemented by the Ministry of Education in accordance with SERNAM during 2011, at least two fail to conform to human rights standards enshrined within CEDAW or other treaties as they limit the self-control of reproductive health to unique and limited responses of a hetero-regulatory character: meaning the only viable family unit in society is one built around heterosexual relations. This is likely to entrench discriminatory practices against people with alternative sexual or gender orientation³³. This is concerning, especially given that these programmes are not free of charge and that schools must compete for funding in order to help cover the costs.

28. **Obstacles deterring pregnant teenagers from staying in the school system.** In 2010 there were 4,806 cases of teen pregnancy and 7,803 teenage or adolescent mothers registered by the School

³² Cross-sector Management Unit of the Department of Youth Justice, SENAME, sent on 9 September 2011, but relates to information registered as of 30/06/2011

³³ Programme reviews (and not their complete content) can be found on the website of the Ministry of Education (http://www.mineduc.cl/index1_int.php?id_portal=55&id_seccion=3354&id_contenido=13646) and relate to: ‘Learning to Want’ (Alliance for the Family); ‘Adolescence: Decision Making Time’ (Centre of Reproductive Medicine and Complete Adolescent Development); ‘Sexuality, Self Esteem and Prevention of Adolescent Pregnancy’ (Chilean Association of Family Protection); ‘Complete Sex Education Course’ (Complete Sex Education Centre); ‘Sexuality and Emotional Learning Programme’ (Faculty of Social Sciences, University of Chile); ‘Values, Emotions and Sexuality Education Programme’ (San Sebastián University); and ‘Teen Star’ (Catholic University of Chile). On the basis of the information content of these programmes, as well as the fact that schools are able to choose one or another according to their preference, the INDH views two of them as lacking in respect for international human rights standards surrounding varied and safe anti-contraceptive methods, sexual health and reproductive rights, and non-discrimination in terms of sexual diversity: ‘Learning to Want’ and ‘Complete Sex Education Course’. Another two are unclear as to their indication of anti-contraceptive methods and whether or not they respect sexual diversity and gender orientation: ‘Values, Emotions and Sexuality Education Programme’ and ‘Teen Star’.

Assistance and Scholarship Board's (JUNAEB) department of student health, and 65 complaints received by the Ministry of Education concerning failure to respect pregnant or mother students' right to education. During the first semester of 2011 42 similar complaints were made. The percentage of institutions in which parents claim knowledge of expulsions or suspensions from school for this reason reached over 10% in the Municipalities, 25% in subsidised private schools and 28% in non-subsidised private schools³⁴. This proves that despite its prohibition in 2000³⁵, there is little capacity to prosecute and eradicate discrimination practices that are not dealt with through the courts. In its periodic report the Government does not refer to significant steps taken towards the adoption of measures that would facilitate these young women to continue with their studies.

29. Gender equality constitutes one of the Cross-cutting Learning Objectives (Objetivos de Aprendizaje Transversal) within in the school course curricula³⁶, but it has not been integrated explicitly into any course, or the promotion of courses, except for History, Geography and Social Sciences. Furthermore, the use of inclusive (meaning non-gender specific) language in the curricula has been eliminatedⁱ. The Objectives of these curricula state: "In this document the following terms are used inclusively – "el docente" (teaching), "el estudiante" (student), "el profesor" (teacher), "el alumno" (pupil), "el compañero" (coursemate)ⁱⁱ and their respective plurals (other similar words within an educational context); meaning, they refer to both men and women. This option follows the universal understanding that gender discrimination in the Spanish language is unavoidable, other than using "o/a", "los/las" or other similar constructions to refer to both sexes together, which tends to cause visual saturation and impede reading comprehension".

CONVENTIONS TO RATIFY

- CEDAW Protocol
- ILO Convention No. 189 concerning domestic workers, 2011
- ILO Convention No. 183 concerning maternity protection, 2000
- ILO Convention No. 184 concerning safety and health in agriculture, 2001
- Protocol of San Salvador

Document translated by Alexis Psarras

³⁴ Questionnaire of tenth graders' parents, Ministry of Education 2010.

³⁵ Law 19,699, 5 August 2000.

³⁶ The General Education Law 20,370, 2 June 2010 establishes educational targets that must express learning objectives, which in turn must be developed by the Ministry of Education before then being approved by the National Education Council. The new curricula were approved in January 2012 (Decree: DS N°439/2012) and establish two types of learning objectives: those particular to each course and other more cross-cutting in character which "set in place students' personal development and moral and social conduct".

ⁱ This point is a linguistic one specific to the Spanish language and refers to the gendering of nouns. Spanish nouns have either a masculine ("el/los/o") or a feminine ("la/las/a") form, and therefore their use can cause gender bias in one way or another, in a way which does not occur in English.

ⁱⁱ Therefore all masculine noun forms.

