

CHILE

REPORT ON IMPLEMENTATION OF THE BEIJING PLATFORM FOR ACTION PRESENTED BY THE GOVERNMENT OF CHILE TO THE UNITED NATIONS DIVISION FOR THE ADVANCEMENT OF WOMEN

Response to the questionnaire

April 2004

I. OVERVIEW

Chile has experienced major demographic, social, economic and cultural changes over the last 10 years. Some of those changes have meant progress in the situation or status of women, while others have revealed the persistence of discrimination and of obstacles to full equality of opportunity between men and women in the country.

Among the most significant changes are the decline in fertility rates¹ and the gradual aging of the population, and in particular the greater proportion of women among the older population, as a result of women's longer life expectancy. There is a notable trend towards less formal partnership relations, reflected in the relatively greater number of couples that are "cohabiting". There is also a higher proportion of persons who are single or separated, and a decline in the proportion of those living together as couples. The number of households headed by women is rising, and this includes a growing number of two-parent households in which it is the female partner who is declared as the head, suggesting that a cultural shift is under way towards greater gender equality within the home.

Chile has made significant progress in terms of coverage and access to education, and now has one of the highest education levels in the region. Women have accumulated significant educational capital, which in some cases exceeds that of men. Yet this progress in women's education has yet to be reflected in improved occupational opportunities for women. Problems and barriers continue to impede efforts to broaden and diversify women's work options, and occupational segmentation by sex means that women tend to be confined to a smaller range of occupations that are associated with lower productivity and pay. Although the salary gap between women and men has narrowed, it is still significant, particularly at the higher education levels and in the more senior positions.

Chilean women have gradually and steadily increased their participation in the labour market, but their participation rate is still below that in several countries in the region. Women's access to paid work depends significantly on their education level, their area of residence, and the socioeconomic class to which they belong. Thus, among women with more education living in urban areas and belonging to higher-income households, the participation rate is much higher than for those in other situations. The fewer working opportunities for women of scarce means are a reflection, in part, of the greater obstacles that these women face in reconciling working life with their domestic and childcare responsibilities.

During the first democratic government the National Office of Women's Affairs (SERNAM) prepared an Equal Opportunities Plan 1994-1999, as a fundamental tool for fulfilling the accords that Chile accepted at the Fourth World Conference on Women in Beijing in 1995.

Implementation of this first Equal Opportunity Plan placed the emphasis on changes in the country's legal framework and introduced policies and initiatives for the advancement of women, dealing particularly with acute problems of discrimination such as family violence, teenage

¹ Chilean Women: Trends over the Last Decade. Census 1992-2002. National Office of Women's Affairs, SERNAM, and National Statistics Institute, INE. March 2004

pregnancy, and the status of female heads of household². These policies resulted in various legislative initiatives and programmes intended to address the problems of gender inequality through State action.

Developments in family law have included the following: Law 19,325 on Family Violence; Law 19,585 recognizing the juridical equality of children born in or out of wedlock; and Law 19,335 on family property, which allows for an alternative to the community-of-property regime. In the labour field, the most important legislative initiatives were: Law 19,520 reforming the individual labour contract, the provisions of which improve women's access to employment and their working conditions, and establish a legal working day and minimum pay standards for female domestic workers; Law 19,591 which prohibits employers from imposing employment conditions relating to pregnancy and extends the maternity rights regime to female domestic workers; and Law 19,505, which grants workers special leave if their children are seriously ill.

Among the programmes and initiatives implemented during this period, mention may be made of: the Programme for Low-income Female Heads of Household; the Programme for Female Seasonal Workers in Export Agriculture; Discussion Workshops on Emotional Health and Sexuality (JOCAS); the Information Centres on Women's Rights (CIDEM); the Interagency Commission on Family Violence, communication programmes for raising community awareness of this problem, and training for public officials and police officers.³

This plan has been translated into legislation designed to recognize and give effect to those rights for women and men, and into concrete action to promote more equitable access to benefits, resources and opportunities for personal development. As well, progress has been made in making people aware of the degrees of inequality that exist in interpersonal relationships, and in placing the issues of discrimination against women and gender inequalities squarely on the public agenda.⁴

Building upon this progress, the SERNAM prepared a second Equal Opportunity Plan for Women and Men for the years 2000-2010⁵, which consolidates gender policies in public institutions. This initiative was sparked by the recognition that, while there had been significant progress in social policies targeted at the most vulnerable women, the key challenge now was to move the State towards full integration of policies with a gender focus. In recent years there has been substantial progress in mainstreaming the gender focus in public policies. Since 2000,

² Follow-up Report on the Beijing Platform for Action submitted by the Government of Chile to the United Nations Division for the Advancement of Women (DAW), May 1999.

³ For more information on these programmes and initiatives, see the Beijing Follow-up Report presented by the Government in 1999.

⁴ Fourth Periodic Report of the Government of Chile on the Measures Adopted to Implement the Provisions of the Convention on the Elimination of All Forms of Discrimination against Women, January 2004.

⁵ This second plan identifies six broad, horizontal issues for attention, with their respective objectives, and guidelines for concrete activities to be pursued during the decade. Those issues are the following: guaranteeing a culture of equality of opportunities between men and women; promoting women's rights and their full enjoyment; women's participation in power structures and in the decision-making process; economic independence for women and reducing poverty; improving the day-to-day well-being and quality of life for women; and introducing the gender focus in public policies.

government agencies have shown very specific signs that this focus is being incorporated into the key instruments of public management.

One step forward in this area was the creation of the Council of Ministers on Equal Opportunity⁶, the purpose of which is to oversee and implement the Equal Opportunity Plan and to incorporate specific policies with a gender content into government ministries, departments and enterprises. The Council has achieved a qualitative leap forward in incorporating equal opportunity as a policy goal in public agencies. It has also succeeded, for the first time in Chile, in having gender issues addressed from a broader perspective as matters of State, and in enlisting the various ministries, and in particular the government's senior political levels, in those policies.

By decision of the Council of Ministers, each portfolio must produce annual Ministerial Commitments to Equality of Opportunity, which must be consistent with the ministerial priorities and objectives, and must target the strategic focal points of management in the ministries and the government, and the country's major areas of development.

The Council also decided in 2001 to incorporate the gender focus into some of the budgetary instruments of the Ministry of Finance, which is a strategic focal point because it is here that the allocation of public funds is decided. Among the instruments that are to incorporate the gender perspective is the Management Improvement Programme, which is part of the drive for modernizing public-sector management. One of the systems of that programme relates to gender equity, and is designed to improve opportunities for women and men to obtain and enjoy the benefits of public policies. This initiative on behalf of gender equity is associated with a monetary incentive, which means that the salaries of public officials in participating institutions are linked to their success in implementing it.

On the legislative front, the Political Constitution of Chile has been amended⁷ to establish equality between men and women explicitly. Another historic milestone in Chile was the recent approval of the new Civil Marriages Act by the National Congress. This is a modern piece of legislation that reflects the current reality of Chilean families. It amends an institution the regulations for which date back to 1884: it recognizes that marriage breakdown is not an exceptional phenomenon, it regulates its effects, and it stipulates various solutions that range from legal separation to outright divorce. For the first time, Chilean law now grants economic compensation to the spouse who has been devoted exclusively or primarily to the care of children and the family, and is consequently disadvantaged occupationally or financially.

In the last five years, then, the major signs of progress in fulfilling the commitments of the Beijing Platform for Action can be seen in the mainstreaming of the gender focus in government affairs and in the legal framework, and in the greater visibility and legitimacy of gender equity issues and the public institutional response to those issues.

⁶ On 24 March 2000, Presidential Instruction 15 created the Council of Ministers on Equal Opportunity. The Council consists of: the Minister Secretary-General of the Presidency, the Minister of Economy, Development and Reconstruction, the Minister of Planning and Cooperation, the Minister of Health, the Minister of Education, the Minister of Justice, the Minister of the Interior, the Minister of Labour and Social Insurance, and the Minister responsible for SERNAM

⁷ Law 19,611, published in the Official Gazette of 16 June 1999.

II. CRITICAL AREAS OF CONCERN OF THE PLATFORM OF ACTION

Women and poverty

In the last decade Chile has succeeded in reducing its poverty levels significantly: between 1990 and 2000, the total poverty rate was cut almost in half, from 38.6% to 20.6%. At the same time, female poverty declined from 39.3% to 20.8%.⁸ This positive record in reducing poverty can be attributed to a combination of sustained economic growth and social policies targeted at the most vulnerable population groups. Despite this progress, the incidence of poverty remains higher among women than among men, and is greater in rural than in urban areas. As well, there are major problems in overcoming indigence: progress stalled between 1998 and 2000, and the government is now taking special measures to help this segment of the population.

The measures and programmes adopted over the past 10 years include: the Training-for-Employment Programme for Women on Low Incomes, with preference for women heads of households, which was launched in 1992 and was coordinated by SERNAM until 2001. This initiative followed an innovative model of intervention that was decentralized, participatory and comprehensive and addressed issues relating to occupational training, support for independent workers, adult education, child care, health and justice. During its years of implementation, this programme was conducted in 103 communes throughout the country, under agreements with the municipalities, and provided benefits to some 70,000 women.

In the countryside, the *Red Prorural* network was established in 1998 as an innovative way of addressing rural poverty. An institutional network has been created that embraces various government bodies and includes political and technical participation at the national, regional and local levels.⁹

The "*Sistema Chile Solidario*: Comprehensive Social Protection for the 225,000 Poorest Families in Chile" was launched in 2002 to help families suffering from social and economic exclusion. It is coordinated by the Ministry of Planning and Cooperation. The system's objectives are: to guarantee a minimum level of services for the country's 225,000 poorest families, between 2002 and 2005; to provide comprehensive support for these families, in keeping with the multiple dimensions of their situation; to integrate public services for these families into a coherent and coordinated system; and to provide personalized support to these families, in keeping with the particular situation of each family member.

The system includes a temporary entry-level component and three permanent components. The first provides intensive psychosocial support and a family protection grant, paid for 24 months to the woman of the family, whether or not she is the head of household. The permanent components provide guaranteed monetary subsidies, preferential access to social promotion programmes and social security benefits, and assistance in joining the labour force. These

⁸ Data from the Survey of Socioeconomic Trends (CASEN) for those years.

⁹ This network operates through a National Steering Council (chaired by the Minister of Agriculture and consisting of the Minister of SERNAM and undersecretaries, departmental directors and *intendentes* of the regions involved), a National Executive, a National Technical Committee, and equivalents at the regional and commune level.

benefits are delivered direct to female heads of these families, highlighting their strategic role in overcoming poverty.

While the system is targeted at extremely poor families, it is the women that are the central focus, recognizing that one in every three households in Chile is headed by a woman. The system represents a significant effort at coordinating and integrating existing policies, programmes, benefits and services, and at setting up permanent national and local networks, as well as identifying families with the greatest social and economic vulnerability.

While it is true that Chile has already met the millennium goal for reducing poverty, ahead of the target date (2015), it remains one of the government's principal challenges to eradicate poverty, especially in its most extreme form, where the majority of victims are women.¹⁰ For this reason, SERNAM is working with the "*Chile Solidario*" system to develop a programme for extremely poor young women who are heads of household.

Education and training for women

Chile has made progress in recent years in expanding the coverage and accessibility of education. Women increased their average years of schooling from 8.9 years in 1990 to 9.7 years in 2000.¹¹ Education levels for men and women are roughly the same: there has been a decline in illiteracy rates among both women and men, especially in the younger generations. Nevertheless, there are some significant differences by age group, and by area of residence (rural-urban).

In achieving the targets that the government has set, the Education Reform plays a fundamental role, as do the programmes and initiatives that the Ministry of Education is sponsoring to improve the quality of education at the various levels. Mention should also be made of the "High School for All" programme to increase the school retention rate. This programme recognizes that the reasons for dropping out of school are not the same for young men and women, and it is pursuing differentiated strategies to address this problem.

A significant step forward during this period was the 2000 amendment to the Organic Constitutional Law on Teaching (LOCE), which guarantees access to and attendance in educational establishments for all female students who are pregnant or are nursing mothers. Moreover, in August 2000, an additional section was inserted in Article 2 of Law 18,962 (LOCE) to the effect that "pregnancy and maternity shall not constitute an impediment to entering and attending an education establishment at any level. Such establishments must moreover grant the necessary academic facilities". This reform requires progress in consolidating social support networks involving various sectors of society.

An important initiative has been the Constitutional amendment that makes 12 years of schooling compulsory¹² and requires the State to guarantee free schooling to this level for all Chileans up to 21 years of age. In order to assist compliance with this law, a "stay-in-school subsidy" has been established, targeted at the families of students from grade seven through the fourth year of high

¹⁰ Of the total indigent population, 52.2% are women and 47.8% are men. CASEN 2000.

¹¹ CASEN data for the respective years.

¹² Constitutional Reform promulgated on 7 May 2003.

school living in extreme poverty; the amount of the grant rises with the grade in which the student is enrolled.

In terms of access to education, all low-income mothers of schoolchildren are eligible for the education completion (“regularization”) programme offered by the Ministry, which works primarily to the advantage of women with children in school. By way of concrete example, 65% of the persons who took advantage of this programme in 2001 were women.

As part of the educational reform, SERNAM has been working to incorporate the gender focus into the official documents¹³ of the Ministry of Education (MINEDUC). SERNAM has also developed a series of programmes and projects to incorporate the gender variable into education materials distributed in the pre-primary, primary, intermediate and adult education systems, in order to eradicate stereotyped masculine and feminine roles at all levels and in all forms of teaching. These programmes and projects have included the “Education, Culture and Change” programme on non-violent dispute settlement, in conjunction with the Ministry of Education, the objective of which is to work with the educational community (teachers, students and families) on different forms of relationship, with a particular focus on eliminating violence as a legitimate way of resolving conflicts.

At the preschool level, an emotional health and family relationship development project (“*Crecer y Desarrollarse en la Senda de la Afectividad Cotidiana*”) has been launched in cooperation with the National Kindergartens Board (JUNJI) to prepare educational materials for the preschool level. It has been underway throughout the country since 1999, and has been approved by JUNJI as part of its curriculum. In 2002 a complementary pilot project was prepared on sexuality, gender and emotional health in preschool education (*Sexualidad, Género y Afectividad en la Educación de Párvulos*), and it was validated during 2000 for application in 2003. There is also the project known as “Letters Speak” (*Las Letras Hablan*) designed to incorporate the gender perspective into the adult education curriculum. At this time, new courses of study for adult education are being prepared.

Among the pending challenges are those relating to the quality and equity of education, and the persistence of a hidden curriculum that, through beliefs, myths, principles and standards, tends to reproduce sexist practices. As well, female enrolment in higher education is still segmented in terms of the type of training they seek: women tend to enrol mainly in technical training centres, and only to a lesser extent in university courses, and this has a direct influence on their employment prospects.

¹³ These Are: 1) Framework Curriculum for General Basic Education, Decree 240; 2) Framework Curriculum for Intermediate Education, Decree 220; 3) Basic Curriculum for Preschool Education. One of the general objectives for Preschool Education is “to provide quality instruction to girls and boys that will be relevant and will consider ethnic, linguistic and gender diversities, and special education needs, together with other significant cultural aspects of pupils, their families and communities”. 4) The gender focus is included in all study programmes from years 5 to 8 of basic education and the first to fourth secondary school grades. SERNAM participated in the MINEDUC Professional Development Programme that was conducted for teachers on implementing the new gender-focused courses of study in basic and secondary education.

One of the fundamental challenges for overcoming the barriers to women's entry into the labour market is to expand the coverage of preschool and early childhood education, in ways that are compatible with the needs of working mothers.

Women and health

Chile's public health indicators have improved. Among other aspects, there has been a steady decline in child mortality and maternal mortality rates in recent decades: maternal mortality in fact fell by approximately 50% between 1990 and 2000, bringing the country near to achieving the millennium goals.

The coverage rate is high for pregnancy monitoring and professional care at childbirth. Nevertheless, there has been an increase in high-risk pregnancies¹⁴: deliveries under such circumstances rose from 22% in 1991 to 28% in 2000. Complications related to abortion still account for almost one-third of maternal deaths in the country¹⁵.

Recent years have seen significant changes in sexual behaviour. Among younger generations the gap between the ages at which boys and girls become sexually active has narrowed, yet the average age of the first sexual encounter still differs between the genders. Girls tend to become sexually active later than boys: the average age of sexual initiation is 19.4 years for girls, and 17.1 years for boys.¹⁶

As of December 2001, there were 4,646 AIDS patients and 5,228 persons testing HIV-positive reported in the country's 13 regions, and 3,012 deaths had been recorded. The annual incidence of AIDS cases and of new infections reported has shown a rising trend: in 1999, the last year for which there are definitive statistics, the rate of incidence of HIV stood at 3.60 per 100,000, and that for new infections at 4.61 per 100,000.¹⁷ An analysis of AIDS cases reported since the beginning of the epidemic shows that most of the victims (89.1%) are men, while women account for only 10.9%. Nevertheless, the proportion of female AIDS cases from all transmission mechanisms has been rising relative to that for men.¹⁸ The principal means of transmission of AIDS (93.8% of cases in 2001) is sexual contact.

In May 2000 a draft bill was sent to Congress to establish the AUGE ("Universal Access with Explicit Guarantees") system, as a comprehensive health system that is part of a series of health reform laws. The AUGE bill, also known as the "Health Guarantees Regime", recognizes the universal right to health, and is intended explicitly to ensure comprehensive attention to health needs that today are the greatest causes of mortality, disability, and reduced quality of life. As part of the health reform process, a draft Law on Health Rights and Duties was prepared in 2000, and is currently under discussion in Congress. Among other things, that bill provides for access without arbitrary discrimination, i.e. it enshrines every person's right to health care without

¹⁴ Pregnant women under 20 years and over 35 years are considered to be at obstetric risk.

¹⁵ Health Profile of Women and Men in Chile 2003. Pan American Health Organization-World Health Organization 2003.

¹⁶ National Study of Sexual Behaviour in Chile. National AIDS Commission, CONASIDA, 1998

¹⁷ Source: National AIDS Commission (CONSIDA), Ministry of Health: Epidemiological Bulletin 15, December 2001

¹⁸ Ibid.

discrimination by sex, sexual orientation, ethnic origin, socioeconomic level, ideology, or health system of affiliation.

The government is currently implementing a policy to encourage communities to introduce sexual education in the schools. Education supervisors have been given training in ways to address this topic within the possibilities of the current curriculum. In 2001 the Ministry of Education prepared a document on "Sexual Education Policy", intended to promote the incorporation of this topic across the new framework curriculum and to include it in educational projects.

Along the same line, a pilot project called "Toward Responsible Sexuality" is now underway in conjunction with the Ministry of Health, the Ministry of Education, the National Youth Institute and the SERNAM. The stress is on helping communities to develop their own capacity to conduct participatory analyses of this issue and to define strategies and projects to address it with the support of those sectors. The project seeks to promote social dialogue and serious thinking about the need to develop a healthy and comprehensive approach to sexuality in the individual, the family and community. It is targeted especially at youth.

A draft Law on Sexual and Reproductive Rights, submitted in 2000 by a group of parliamentarians, is currently making its way through Congress. This initiative was sponsored by the Sexual and Reproductive Health and Rights Network and other organizations of civil society.

The Ministry of Health has issued a document entitled "Gender Mainstreaming in Health Reform Policies in Chile", prepared by the Ministry's Advisory Group on Gender Issues. That advisory group includes professionals from the Ministry as well as representatives of civil society and of academia¹⁹.

In 2000, by means of a special resolution of the Ministry of Health, new regulations were approved for voluntary sterilization of women and men. These new rules recognize and guarantee the right of adult women to submit to sterilization without requiring any other person's consent.

In 2004, provision was made in the regulations governing public health establishments for emergency contraception for victims of sexual violence. This rule provides that women of reproductive age who have been the victims of rape must be informed about and, if they wish, given access to emergency contraception, thus offering a more expeditious and less onerous route to this method.²⁰

Between 1999 and 2000 there was broad social and sectoral input into the preparation of a law²¹ banning discrimination against persons living with HIV in the workplace, in education, and in

¹⁹ Such as the Sexual and Reproductive Health and Rights Network, the Health Network of Latin American and Caribbean Women, the Chilean Institute of Reproductive Medicine, FLACSO, the University of Chile, and the Foundation for the Advancement and Development of Women (PRODEMU).

²⁰ Drugs of this kind can normally be marketed in Chile only with a medical prescription, which can be difficult for young people and women of scarce resources to obtain.

²¹ Law 19,779, promulgated on 4 December 2001.

health facilities, and requiring for example that screening tests must always be conducted after counselling and with the informed and explicit consent of the patient. That law establishes standards relating to the human immunodeficiency virus and creates a tax benefit for catastrophic illnesses. It also determines responsibilities and objectives with respect to HIV-AIDS in our country, and regulates prevention, diagnosis, investigation and care.

Among the main challenges facing the country in this area are those of preventing unwanted pregnancies and high-risk pregnancies, such as those among teenagers under 15 years. In practice this will mean improving and expanding the coverage of prevention activities in sexual and reproductive health, providing information, education, and access to various and effective means of regulating fertility and preventing sexually transmitted infections for people who need them, regardless of their age and socioeconomic condition, with special attention to the younger population.

Such a policy will need to deal with the public health problem represented by abortion, especially abortion conducted under unsafe conditions. The quality of care for complications arising from abortion will have to be improved, and those who have undergone such procedures must be treated humanely. Finally, there remains the challenge of encouraging men to take greater responsibility for sexual and reproductive health.²²

Violence against women

A prevalence survey²³ conducted in 2001 by SERNAM found that 50.3% of women currently or previously living in a marriage or partnership in the Metropolitan Region had suffered some form of violence at the hands of their partner: 16.3% had suffered only psychological abuse, while 34% had suffered physical or sexual violence. Of the latter group, 14.9% experienced sexual violence. The most common form of violence against women is in fact that which occurs within the home, and it is most likely to be committed by a partner or former partner, in the form of physical, psychological or sexual abuse.

Through the National Office of Women's Affairs, the Chilean State has expressed its responsibility and its commitment to eradicate family violence. To this end, SERNAM has developed the National Programme for the Prevention of Family Violence, which operates at the national, regional and local levels. Over the last 10 years, SERNAM has succeeded in making family violence an issue on the public agenda, identifying the many dimensions of family violence and addressing the problem as a social and cultural question, as well as incorporating the gender dimension into care and prevention activities.

Over the last decade, SERNAM has focused its efforts on preventing violence and promoting legislative initiatives. In the last three years it has increased the availability of care for victims of family violence, through implementation of Centres for Prevention and Care for Victims of

²² Chile: The Situation of Health and Sexual and Reproductive Rights. SERNAM. Health and Reproductive Rights Corporation (CORSAPS) and Chilean Institute of Reproductive Medicine (ICMER). December 2003.

²³ SERNAM: "Detection and Analysis of the Prevalence of Family Violence", Santiago, 2001. The study used the basic protocol of the WHO.

Family Violence, of which there are now 23 throughout the country. The work of these centres is in the process of evaluation and review in order to redefine policy in this field.

On 27 August 1994 Law 19,325 on Family Violence was promulgated, after four years of parliamentary processing. That law encourages the laying of complaints and provides mechanisms for protection and punishment. A bill²⁴ amending Law 19,325 on family violence is now under consideration. It would introduce amendments to the legal treatment of domestic violence, in order to overcome shortcomings in the current law.²⁵ In addition, Congress is now considering a bill to create family courts: it would amend some procedural aspects of the Family Violence Law, and would transfer jurisdiction in this area from the civil courts to the new family courts.

In 1996, the Chilean government ratified the Inter-American Convention on the Prevention, Punishment and Eradication of Violence against Women, the "Convention of Belem do Para"²⁶.

In terms of the plans, programmes and activities being carried out with the various governmental sectors dealing with family violence, mention should be made of the successful experience with the Interagency Roundtables for the Prevention of Family Violence, which were conducted during 2003 in three regions of the country, with support from UNDP, UNICEF, UNESCO and PAHO, and involved cooperation between the Ministry of Health and SERNAM. Women's organizations of the Chilean Network against Domestic and Sexual Violence, professionals, and groups interested in this issue participated in those roundtables. The intent was to promote action on both the health and the education fronts to foster democratic harmony based on respect for equality and diversity and the use of dialogue as a dispute settlement method.

In 2001, SERNAM launched the Manual for Application of the Family Violence Act, targeted specifically at judges and justice officials. It has also provided training for many public officials, primarily in education, health, the judiciary, and in the municipalities and police forces (in particular the *Carabineros*) for dealing with family violence, principally through primary and secondary prevention efforts.

Efforts at the prevention of family violence in recent years have also been conducted through various media campaigns²⁷ that have served to raise public awareness of a problem that has historically been swept under the rug, but that affects the daily lives of many people, especially women.

²⁴ Bill presented by the government on 30 August 2001. Status: under consideration in the Chamber of Deputies. The Family Committee is preparing an initial report.

²⁵ The intention is to improve procedures and establish adequate penalties for the types of conduct to be punished. Among other things, it broadens the concept of family violence, establishes greater powers to request and grant protective measures, restricts the possibility of inter-party agreements, gives the police greater powers to act in emergency cases, and regulates the system of penalties.

²⁶ OAS, Belem do Para, Brazil. This Convention was published in the Official Gazette of Chile in 1998, and is thus in full effect in our country.

²⁷ Noteworthy were the 2000 campaign entitled "Women with Rights, Women As Citizens", which offered women information on the Family Violence Law and on places where they could turn for assistance. In 2001, another campaign was targeted at young couples, under the slogan "Don't Let Violence Strike Your Partner", designed to raise public awareness through messages conveyed by various media (posters, radio and television spots, educational videos and brochures).

In 1999 the Criminal Code was amended in its provisions on sexual crimes²⁸, representing a significant reform that explicitly criminalizes marital rape. Since the promulgation of that law and Exempt Resolution 710 of the Forensic Medicine Services, all health professionals in hospitals, clinics or similar institutions, whether public or private, are authorized to conduct medical examinations and biological tests to prove such crimes and identify the perpetrators. The Ministry of Health has since been taking steps to increase the capacity and quality of care for victims of sexual violence, through new regulations and protocols and agreements with the Attorney General's office.

Through these interventions, an institutional network of services²⁹ has been established in recent years to provide specialized care and support, such as in cases of rape or sexual abuse of women and children.

Criminal procedures are gradually being reformed in Chile to provide, among other things, protection and proper treatment for victims and prompt, effective and transparent proceedings, all of which will benefit women who are victims of serious assault and sexual violence.

Given the scope and characteristics of family violence, one of the most important challenges is to coordinate simultaneous interventions at different levels and with all stakeholders, which must include civil society as well as other state institutions, in order to provide a comprehensive and multidisciplinary response to the victims of such violence. There are also significant gaps remaining in the quality of treatment and care for victims of violence, which will require a greater degree of sensitization and training for personnel who treat victims, upgraded infrastructure, and comprehensive support for the victims of violence as well as for their families.³⁰

Women and the economy

Women make an important contribution to the economy in our country, both through paid employment and through unremunerated work. Work is the preferred vehicle for women to secure their economic independence and to exert greater social and political influence in the country. The female participation rate in the labour market rose from 28% in 1992 to 36% in 2002³¹. This increase was observed for all age groups: at 50%, it was particularly notable among women of reproductive age, between 25 and 34 years, reflecting a 13 percentage point increase during those years. Yet there are significant disparities in the participation rate among the different household income quintiles. The economically active female population is extremely low in the poorest quintile (24.8%), while it was 52.1% for the fifth and highest quintile in the year 2000 (CASEN).

²⁸ Law 19,617, published in the Official Gazette of 12 July 1999.

²⁹ Consisting of agencies such as: CAVAS (Care Centre for Victims of Sexual Assault), the Sexual Crimes Brigade of the Judicial Police, the National Service for Minors, the Forensic Medicine Services of the Ministry of Justice.

³⁰ Chile: The Situation of Health and Sexual and Reproductive Rights. SERNAM. Health and Reproductive Rights Corporation (CORSAPS) and Chilean Institute of Reproductive Medicine (ICMER). December 2003.

³¹ Census 1992-2002.

Women have increased their labour market participation rate faster than men in the last decade, and this is particularly true for female heads of household, for whom the rate rose by 7.5 percentage points between 1992 and 2002. Despite the significant increase, Chile still has a female labour participation rate that is lower than the average for Latin America (44%).

The obstacles facing women's full participation in the work force can be seen in the gap between the wages that men and women receive for the same work, in the difference in their access to management positions, to occupational training, and to working goods and capital, as well as in women's higher unemployment rates, job segmentation, and the prevalence of lower-quality jobs.³²

Women face a series of barriers and difficulties, including family responsibilities, which still fall most heavily on women. The problem of reconciling family responsibilities and childcare with paid work means that 81% of working women have no children.³³ These figures demonstrate that maternity is a barrier to labour market participation, given the shortage of support services such as daycare.

The Chilean government has assumed a number of commitments in this field in various international conferences and bodies. Those include the Convention on the Elimination of All Forms of Discrimination against Women (CEDAW); the commitments of the 12th Inter-American Conference of Ministers of Labour (CIMT); and ILO Conventions 103 and 156, which deal respectively with the protection of maternity and with the sharing of family responsibilities.³⁴ In the context of these international instruments, the governments of the *Concertación* have accepted equal opportunity as a fundamental human right and an inherent principal of a democratic state.

In this international and domestic setting, recognizing that gender discrimination has a heavy economic component, the SERNAM has devoted much of its work to eliminating obstacles and discriminatory practices that impede women's access to the labour market and to productive resources, in order to improve the conditions for women, and particularly poorer women, to participate in the economy.

Since 2000 SERNAM has stepped up the pace of its work with employers in general, and with certain productive sectors in particular, with the objective of ending gender-based occupational discrimination. It has developed a strategy for mainstreaming the gender perspective in the country's major agricultural business organizations³⁵, through the Public-Private Committee on Seasonal Farm Work. Special commissions have been established dealing with occupational

³² Nearly 45% of women work in the informal economy, while the figure for men is around 33% (ILO, 1999). 72% of female employees have a work contract, while the rate for men is 77%, and the gap is higher among poor working women, only 39% of whom have a signed contract (INE). Nearly 40% of working women do not contribute to the social insurance system, and when they leave the labour market they receive 21% less in pensions than do men. The female workforce is concentrated in a few sectors of economic activity - services (46.3%), retail (25%) and industry (11%) - where pay is lower: this demonstrates the segmentation of work, which is a form of discrimination.

³³ Labour and Social Protection in Chile 2000-2002. Ministry of Labour and Social Insurance.

³⁴ Ratified by Chile in 1999. Decree 1907.

³⁵ Association of Fruit Producers (FEDEFruta), Association of Fruit Exporters (ASOEX), and the National Agriculture Society (SNA).

health³⁶, working conditions, child care, pesticides, and occupational training, under the responsibility of various ministries and public agencies.

In addition to its traditional strategies for adapting regulation and supervision and providing information about rights, SERNAM has adopted a programme to improve access and working conditions for women, known as Good Labour Practices for Equal Opportunity between Men and Women. This has involved developing a strategy for ongoing dialogue with the private sector. The initiative includes activities for sensitizing the business sector³⁷; recognizing firms that adopt good labour practices to promote equal opportunity between men and women; establishing standards for good labour practices; and conducting studies³⁸ and producing practical guidance for implementing these policies, the contents of which relate to measures inherent to the work process, the reconciliation of occupational and family life, economic measures, and health coverage.

In recent years SERNAM has taken a number of steps, together with other government bodies responsible for employment and productive development, to promote labour force participation by female heads of household. These include the Employment Generation Programmes that the government is pursuing to reduce joblessness in peak unemployment months. SERNAM administers funds for the *Pro-Empleo* programme for women, intended to reduce inequalities between men and women, particularly female heads of household, to address unemployment, and to enhance the ability of women to earn a steady income. The emphasis in this programme is to provide support for self-employment initiatives, through training in management and marketing, the purchase of tools, and seed capital³⁹. Policies to facilitate access are targeted at the poorest groups, where unemployment rates for women are much higher than for men.

One step has been to prepare and distribute a Manual for Women Job Seekers, prepared as part of a regional ILO project for Colombia, Uruguay and Chile. This manual is being used by the municipal labour intermediation offices (OMIL) of the National Training and Employment Service (SENCE) in the country's various municipalities.

In August 2002, Law 17,949⁴⁰ for facilitating the creation of small family enterprises was published in the Official Gazette. The law has facilitated the creation and legal formalization of some 600,000 family microenterprises, by reducing regulatory restrictions and requirements. Since micro and small enterprises generate more than 85% of national employment, this law has been very important for reviving the country's economy, and it has also had a very positive social impact.

³⁶ The Occupational Health Commission has promoted a special programme for female seasonal workers, covering five aspects: supervision of occupational health conditions; supervision of pesticide use; health examinations; information on health rights; and training.

³⁷ This includes the preparation of model codes of good labour practices in two of the country's major firms; the sponsoring of seminars and joint work with the Foreign Investment Committee, the Chile-United States Chamber of Commerce, and *Acción Empresarial*, a body that advises its member companies on socially responsible business policies.

³⁸ One study examined the costs and benefits of introducing measures for reconciling working and family life in five companies operating in Chile.

³⁹ The cost is approximately US\$600 per woman.

⁴⁰ Its Regulations, contained in Supreme Decree No. 102, were published in the Official Gazette of 16 May 2002.

Since promulgation of regulations to this law, a significant number of small businesses have taken advantage of it to abandon their informal status. The women who have joined this initiative are for the most part the beneficiaries of the emergency employment generation programmes for female heads of household sponsored by SERNAM, and include informal microentrepreneurs supported by the Solidarity and Social Investment Fund (FOSIS) and the State Bank. To facilitate their formalization and encourage productive initiatives by women, SERNAM published a *Manual del Trámite Fácil* ("Fast-track Manual") in 2002, in cooperation with economic development institutions.

SERNAM worked with the Ministry of Planning and Cooperation (MIDEPLAN), the Ministry of Labour and Social Insurance, FOSIS and SENCE (National Training and Employment Service) on a Pilot Programme for Independent Workers, aimed at preparing instructors to provide independent work training for women who were enrolled in the Female Heads of Household Programme until 2001. These programmes include occupational training in addition to the training provided by SERNAM's Female Heads of Household Programme, the Women's School of the PRODEMU (Women's Advancement and Development) Foundation, and NGOs working with women.

To ensure that the legal protection accorded maternity does not prejudice women's job opportunities, and that fathers and mothers can assume their reproductive role, SERNAM has sponsored studies and initiatives to expand the coverage of nurseries and daycare facilities, financing this in ways that will not represent a direct burden on female employment, and it will continue with this work, under special mandate from the President of the Republic.

SERNAM sponsored a programme of "Childcare Centres for Women Seasonal Workers". At the outset (1990 and 1991) there were only two centres, serving a total of 100 children in two communes; by 2000-2001 there were 143 centres, serving a total of 9,971 children in 82 communes. This is a collective initiative involving JUNJI, the National School Assistance and Scholarships Board (JUNAEB), the National Sports Institute, the Integra Foundation, municipalities, seasonal workers, community organizations and businesses. In 2002 there were 146 centres operating in 86 communes and benefiting 10,100 children.

Since 1998, SERNAM has been working on the task of reconciling family and vocational life for women and men. Its objective is to promote public policies and business practices that will help women and men alike to reconcile their working and family life. The goal is to ensure that working activity is compatible with the duties of family life, including the exercise of responsible fatherhood and motherhood. A number of initiatives have been taken to this end, including opinion surveys to gather ideas from men and women on the ways they reconcile family and work⁴¹, and studies of the measures implemented by businesses to reconcile working and family life, both in Chile and abroad.⁴²

⁴¹ SERNAM: Working Document 68, Santiago, 2002.

⁴² SERNAM: Working Document 67, Santiago, 2002.

Action has also been taken to publicize ILO Convention 156 and Recommendation 165, both of which Chile has signed⁴³, and to raise awareness among the various key players⁴⁴ as to the importance that reconciling family and working life holds for the quality of life, as well as for the productivity and the working climate of businesses. Guidelines have been distributed to businesses for preparing Human Resource Policies, and these include measures for reconciling working life and family life for male and female workers.⁴⁵

A series of amendments to the Labour Code⁴⁶ have been promulgated to this end, for example: labour rights for fathers who, in case of the death of the mother, have the right to postnatal leave; protection for one year for single or widowed women and men who declare before a court their intention to adopt a child, pursuant to the provisions of the adoptions law.

SERNAM is developing a programme for 2004-2006 to improve female participation in the workforce, particularly for women living in poverty. The programme focuses on three areas:

- 1) Extreme poverty: for extremely poor young women (18 to 29 years) who are heads of household and are affiliated with the *Chile Solidario* system.
- 2) Poverty: for women aged 18 to 59 years in the first and second income quintiles who are economically active, primarily in fishing, retail, microenterprise and seasonal farm work, who are in correctional programmes, or who have preference under general employment policies.
- 3) General policies and control measures to deal with existing gender inequalities in the labour market, targeted at economically active women between the ages of 18 and 59 years.

The main challenge in the economic area is to improve and increase participation by urban and rural women in economic activity, whether as employees or independent workers. This will mean increasing women's participation in national training programmes; improving women's representation in positions of responsibility in the workplace; improving access for women to financial, productive and economic resources; reducing the wage gap between men and women at all occupational levels; adapting labour legislation to reflect the changes in the labour market; implementing an adequate child care policy to help women enter the workforce; and creating conditions so that women can enter non-traditional jobs (for example in mining and transportation).

Women in power and decision-making

Chile has over the last 10 years seen an increase in the number of women in appointed public office, as well as in elected positions, yet women are still underrepresented in the country's political and public life. It must be noted that while women have assumed more public positions only gradually, this has occurred across-the-board.

⁴³ Decree No. 1907, published on 3 March 1999.

⁴⁴ Business organizations, workers' organizations, etc.

⁴⁵ SERNAM: Guide to Best Business Practices, Santiago, 2003.

⁴⁶ Law 19,670..

Constitutionally there is no obstacle or legal limitation to women's right to participate, to vote or to be elected, yet there are de facto inequalities in access to power. In addition, the electoral system⁴⁷ fails to guarantee equal participation among men and women.

When it comes to presidentially appointed public office, governments of the *Concertación* have sponsored a number of mechanisms that have helped to smooth out existing inequalities and to deal with the cultural constraints that affect women in formal politics. In particular, between 1999 and 2000 there was a sharp rise in the number of women serving as ministers, undersecretaries, regional *intendentes* or governors, and in local government especially, where the percentage of women rose from 10% in 1999 to 30% in 2000.

It is noteworthy that at the beginning of the Lagos administration, there were 5 female ministers among a total of 17 ministers, although that number has now dropped to 3 female ministers in a total of 18 ministries of state. It should also be noted that two ministries that were traditionally assigned to men, those of Defence and Foreign Relations, are currently headed by women

The percentage of women in the judiciary evolved positively between 1992 and 2002, but they are still underrepresented, and stereotypes persist. According to the various positions recorded in 2002, women accounted for 9.5% of positions in the Supreme Court, and 24.4% in the Court of Appeals⁴⁸. As one moves down the order of ranking, the number of women in both courts rises, but they have very little representation in the most important positions. Despite this, a milestone in the history of the judiciary was reached with the appointment during 2001 of two women to the Supreme Court: a judge and a prosecutor.

Women have had little presence in the National Congress, although recent elections have seen a slight increase. In the National Congress, women held about 10% of the seats in 2002. The upper chamber consists of 49 Senators, of whom 38 have been elected democratically: of this total, only two (5%) are women. In the lower house, 15 of the 120 Deputies are women, accounting for 12.5% of the total⁴⁹. It should be noted that in recent years, women have held the presidency of the Chamber of Deputies.

In popularly elected positions at the local level, women account for 12% of mayors, holding 42 of 341 municipalities, while 308 of the total of 1783 municipal councillors, or 17%, are women.⁵⁰ It is important to note that there has been an increase in the percentage of women in popularly elected positions: in 1996, women accounted for only 9.4% of mayors, and 14.4% of councillors.

Chile is co-sponsoring two resolutions on women's participation in the United Nations system: the resolution on "Integrating women's human rights throughout the United Nations System", which is approved each year without vote by the Human Rights Committee, and of which Chile

⁴⁷ The current "binominal" electoral system works against female candidates; a number of studies suggest that a proportional representation system would lead to greater female participation.

⁴⁸ Source: Ministry of Justice. The figures for both courts relate to positions of: Judge, Prosecutor, Rapporteur, and Senior Attorney.

⁴⁹ Source: Elections Office.

⁵⁰ Source: *Recursos Humanos del Gobierno Interior*[Human Resources of Domestic Government].

and Canada are co-authors; and the resolution on "Improvement of the status of women in the United Nations system", the operative portion of which requests the Secretary General to achieve the objective of a "50-50 gender distribution in all categories of posts within the United Nations system, especially at senior and policy-making levels, with full respect for the principle of equitable geographical distribution, in conformity with Article 101, paragraph 3, of the Charter". The latest version of this Resolution (No. 58-144, approved by the General Assembly at its 77th session in 2003) reiterates this objective. The Government of Chile also sponsored the candidacy of a distinguished female Chilean jurist⁵¹, who was elected as a judge of the Inter-American Court of Human Rights.

In terms of affirmative measures, a group of female parliamentarians submitted a draft bill on quotas in 1997, entitled "Draft law amending various legislation in order to promote women's right to participate in national public life".⁵² That motion calls for three central amendments⁵³ requiring that parties must adopt electoral procedures and formulas whereby neither sex would hold more than 60% of positions in their internal leadership and governing bodies. It also requires that neither sex may exceed 60% of the lists of candidates presented by each party for elections.

With respect to SERNAM's efforts to promote women's political participation, we may mention the preparation of various studies⁵⁴ that have analyzed the reasons for the low percentage of females in national public life. The main conclusions⁵⁵ of those studies have bolstered arguments in favour of a quota law, and have clarified the legal steps required. During 2001, seminars were held throughout the country with relevant political players in order to sensitize public opinion to the need for a quota law in Chile.

One of the remaining challenges is to make society more aware of the importance of these special and temporary measures as a mechanism for assuring more equitable participation by women and men in public life, and making democracy more representative. Such awareness would help to place these issues on the national agenda and thereby give greater priority to the handling of the draft bill.

⁵¹ Mrs. Cecilia Medina, who prior to this appointment served as a member of the Human Rights Committee for the United Nations Covenant on Civil and Political Rights.

⁵² This bill was again submitted in early 2003 by a larger number of male and female parliamentarians from all political parties, and is now undergoing first hearing in the Family Committee of the Chamber of Deputies. The purpose of this initiative is to secure a more equitable representation of women and men in the National Congress.

⁵³ To the Organic Constitutional Law of Political Parties; to the Organic Constitutional Law of Municipalities; and to the Organic Constitutional Law of Public Voting and Elections.

⁵⁴ Those studies are: "Experience with women's participation (implementation of quotas) in Chilean political parties", December 1998; "Feasibility study on implementing a quota law in the Chilean legal system", March 2000; "Perceptions of political and social leaders on the quota law: contents and feasibility", December 2000; "Political parties and opportunities for women in elections", May 2001; and "Proceedings of the seminar on participation and representation: conditions for human development", January 2002.

⁵⁵ One conclusion was that a quota law would be possible in Chile, but that it would require an amendment to the Organic Constitutional Law on Popular Voting and Elections, in the case of parliamentary elections, and to the Organic Constitutional Law on Municipalities for elections for mayors and municipal councillors. It was also concluded that there is a need for national debate on women's political participation, and for measures of positive discrimination for achieving balance in this area.

Human rights of women

The period covered by this report saw a series of changes in legislation that represented substantive progress in guaranteeing equality for women and men in the enjoyment of the civil, political, economic, social and cultural rights.

Major legal initiatives have included:⁵⁶

- Law 19,611 amended the Political Constitution of Chile, explicitly establishing equality between men and women.
- Law 19,741 amended the law concerning family abandonment and payment of alimony and support to ensure timely and equitable alimony provisions, and their effective enforcement.
- Law 19,688 amending the Constitutional Organic Law of Teaching embodies the right of access to educational establishments for female students who are pregnant or are nursing mothers.
- Law 19,617, amending the Criminal Code, the Code of Criminal Procedure, and other legislation relating to the crime of rape. This reform, of great importance to women, amended the criminal definition of rape to establish a new list of persons who may be considered victims, both male and female.
- Law 19,670 extends the maternity rights regime for one year to women and men, single or widowed, who declare their intention to adopt a child, pursuant to the provisions of the adoption law.
- Filiation Act, Law 19,585, amending the Civil Code and other legislation with respect to filiation so as to create equal status for all children born in or out of wedlock, and thereby establish for them full equality before the law.
- Law 19,711 regulating visiting rights for children in the custody of one of their parents. This law seeks to allow full and timely exercise of the right of fathers not living with their children to maintain a regular and direct relationship with them.
- Law 19,591 amending the labour code with respect to the protection of maternity. This law prohibits any conditions relating to pregnancy that affect access, mobility, advancement and renewal of employment for women. It also eliminates the exception

⁵⁶ For more information on these laws see the Fourth Periodic Report of the Government of Chile on the Measures Adopted to Implement the Provisions of the Convention on the Elimination of All Forms of Discrimination against Women, January 2004.

applied to women working in private homes, who were excluded from the maternity rights regime. It also expands nursery benefits for working mothers.⁵⁷

The process of ratifying the Optional Protocol to the Convention on the Elimination of All Forms of Discrimination against Women, signed by the Government of Chile in December 1999, has not yet reached a successful conclusion. Ratification was approved in the Chamber of Deputies, after which it was sent to the Senate Committee on Foreign Relations, where it failed to receive sufficient support. Ratification process is now pending reactivation.

In terms of promoting rights, the Women's Rights Information Centres (CIDEM), which SERNAM has sponsored since its creation, were converted into Information, Complaints and Suggestions Offices (OIRS)⁵⁸ in 2002. Within the process of modernizing the State, these offices fall under the Management Improvement Programme, as it relates to providing service to users, and are now part of a network of more than 150 public information offices

Despite the important progress that has been made in the legislative field, there are still situations in which women are in an inferior position to men, reflecting the persistence of discriminatory standards in the legal system, and the fact that certain legal initiatives designed to overcome them are still caught up in legislative procedures. Furthermore, in some cases where there has been new legislation there have been problems of interpretation by the courts that have prevented the original objectives of those bills from being realized in practice.

Women and the media

A first-ever study, called "Advertising Observatory", was recently conducted to examine the image and profile of the woman consumer as reflected in network TV advertising in Chile. The study found the beginnings of innovative, if subtle, attempts to associate women with economic independence, with activity in the workforce, and as participants in public life⁵⁹. In these cases, without actually making this a commercial objective, advertising is helping to reflect significant cultural changes in the roles that women are now playing.

Thus, although the advertisements that were monitored still retained some deep-rooted stereotypes and included images that reduce women to sex objects, some hopeful signs of change were noted in images that portrayed women as managers and producers in the labour market, and other images of men helping with domestic chores.

⁵⁷ The requirement for providing a nursery in any establishment that has 20 female workers or more now applies not to an individual location but to the enterprise as a whole, which means that if there are at least 20 women working in the enterprise's various shops or premises, they are entitled to this benefit.

⁵⁸ The OIRS were created by Presidential Decree 680 of September 1990, from the Ministry of the Interior.

⁵⁹ It is interesting to note that in 46.8% of cases, female roles appear associated with the functions of workers (17.7%) more than as mothers (9.7%) or housewives (11.3%). They even show women playing multiple roles (8.1%) i.e. operating simultaneously as mothers, workers and housewives, on the other hand, 38.5% portray the image of woman as a sexual object. In 21.7% of ads there were positive images of women, including some that identified them in clear situations of autonomy, making decisions and exercising their freedom. 18.7% of the advertisements examined reflect situations that promote the sharing of roles between men and women (men caring for the children and fully engaged in domestic chores).

In an effort to change prejudices and stereotyped views of women and men, a number of initiatives have been taken in the area of communications. To provide support for this social and cultural change, a communications strategy was designed, including the "Image Prize: Women and the Communications Media" as a delivery vehicle. This Prize has been awarded annually since 1998 to the printed, radio and television media, as well as to advertising and electronic journalism agencies, in recognition of communications products that best portray women without stereotypes or exclusion.

Mass communication campaigns have been a key element in the strategy, seeking to promote changes in the social and cultural behaviour patterns of men and women through the communications and advertising media, and to publicize women's rights in areas deemed to be priorities: family violence, labour rights, family rights, and others.⁶⁰

In 2001 SERNAM installed a "Citizen's Portal"⁶¹ on the Internet, targeted specifically at female Internet users who have no other access to SERNAM activities. It seeks to encourage women to use the Internet and inform themselves about their rights, benefits and opportunities, as well as to promote interactivity and networking. The portal provides free information that is relevant and timely, in an attractive, understandable format. The portal has an information library (*Infoteca*) that provides information on women's rights, gender statistics, studies, and a Web guide.

The girl child

An initiative of particular importance has been the preparation of the National Policy and Action Plan on Behalf of Childhood and Adolescence 2001-2010⁶², prepared by various public agencies working with these segments of the population, in consultation with civil society organizations and international agencies, including UNICEF.

One of these public agencies, the National Service for Minors (SENAME), has sought to incorporate its clientele, i.e. boys and girls, as subjects covered by the human rights framework, thereby giving them equality of treatment and opportunity with adults, through programmes designed to comply with the Convention on the Rights of the Child. In this context, SENAME is strengthening programmes to provide equal opportunities for boys and girls. This involves in particular the Rights Protection Offices⁶³, the Child Abuse Programme⁶⁴, the Programme of

⁶⁰ These mass campaigns included, during 2000-2001, one entitled "Women with Rights, Women As Citizens"; in 1999, the campaign entitled "Better Living without Violence between Men and Women"; in 2001, a campaign of great national impact was conducted on family violence⁶⁰, under the slogans "Words Can Hurt, Watch Your Words" and "Don't Let Violence Strike Your Partner". In 2002 there was a communication campaign against violence towards women, called "Beaten Bodies".

⁶¹ The address of this Spanish-language portal is www.mujereschile.cl

⁶² For more information on this Plan see the Fourth Periodic Report of the Government of Chile on the Measures Adopted to Implement the Provisions of the Convention on the Elimination of All Forms of Discrimination against Women, January 2004.

⁶³ These local offices seek to provide comprehensive protection for the rights of children and adolescents suffering from social exclusion or violation of their rights, in order to avoid subjecting them unnecessarily and indiscriminately to judicial proceedings and institutionalization.

⁶⁴ This programme seeks to redress the problem of rights violations through a remedial approach. It incorporates the gender focus through a plan for individualized treatment of boys and girls. It promotes respect for children's rights in

Assistance for Families of Adolescents⁶⁵, and the Programmes of Defence and Legal Assistance for Adolescents.⁶⁶

situations of physical mistreatment and sexual abuse that severely violate those rights, thereby impeding the development and integration of each boy and girl.

⁶⁵ The purpose of this programme is to help troubled adolescents complete school and become socially integrated by strengthening parental bonds and responsibility and providing information and services for improving the quality of life. Its technical guidelines incorporate the gender focus, recognizing that the majority of client adolescents' families are headed by women.

⁶⁶ This programme serves teenagers of both sexes between 14 and 18 years who are in trouble with the law and who are referred to SENAME offices for assistance in their social reintegration, through a process of empowerment and accountability. The technical guidelines require that legal assistance be provided to all teenagers, incorporating the gender focus as well as providing a defence facilitator.

III. INSTITUTIONAL DEVELOPMENT

Institutional development is a critical area of concern in the Beijing Platform for Action that has received special attention in recent years in government efforts to promote gender equity. With the Second Equal Opportunity Plan for Women and Men for the years 2000-2010, the objective is "to consolidate and build upon the progress made and to guarantee the full integration of the gender focus into government policies".

This intention arises from the recognition that government efforts were traditionally guided by a sectoral focus, and that in order to achieve greater impact in gender equity policies a more comprehensive and coordinated management model would be required. It was concluded, then, that institutionalizing the gender focus would require that those policies be implemented horizontally across all public policies, those relating to the social and economic spheres, and those concerning access to decision-making.

This emphasis on institutional mechanisms for achieving gender equity must not be looked at in isolation from the ongoing efforts at modernizing, decentralizing and democratized the institutions of the State that successive governments of the *Concertación* have been pursuing. But it is the SERNAM, as the body primarily responsible for promoting and coordinating gender policies within government, that is playing the lead role in this field.

A milestone in demonstrating the political commitment of the national authorities and officials has been the creation of the Council of Ministers on Equal Opportunity, which was established in 2000 by presidential decree. Establishment of this Council has legitimized and consolidated the incorporation of the gender focus into government policies, and it now offers a forum for coordinating strategies in this area among the various ministries. Moreover, a concrete expression of that political commitment is to be found in the Ministerial Commitments for Equal Opportunity that every portfolio represented in the Council signs each year.

Another significant step forward in promoting gender issues within the government was the decision to incorporate a gender focus into the budgetary instruments of the Ministry of Finance: in particular, the competitively-allocated Incentives Fund (*Fondo Concursable*) which is a budgetary tool for financing innovative initiatives in government, and the Management Improvement Programme (PMG). The latter is an instrument designed to upgrade the performance of government institutions by improving working conditions for public servants, and enhancing the quality of the services they provide. The PMG programme embraces a number of systems relating to policy definition in the area of modernizing government activity.

One of these systems is the "gender equity system", the purpose of which is to ensure that public agencies reflect the gender focus in practice and that they take action so that their products will reach men and women equitably. To this end, all public institutions are instructed to review the goods and services they provide in order to identify any obstacles to gender equity and to propose solutions for making them equally accessible and of benefit to all users.

This programme, which is coordinated by the Ministry of Finance and for which the SERNAM is the oversight body, is being implemented in the period 2002 to 2005 in four stages: 1)

preparation of a gender-focused analysis of information products and systems; 2) preparation of a work plan and programme for incorporating the gender focus into information products and systems; 3) implementation and monitoring of the work programme; 4) evaluation of programme implementation and recommendations for the future.

It is important to note that success in implementing this programme has a direct bearing on the future incomes of public officials, since a portion of their salary is linked to their achievements under the programme. This aspect constitutes a real incentive for institutions to observe high standards in fulfilling the requirements of the programme.

Since the gender equity system is only in its second stage of implementation, it is too soon to assess the outcome. Nevertheless, there are already signs that it is having an impact with respect to: cultural changes within government; regulatory instruments governing budgetary allocation; government planning and management; the information that is used as input to public policies; and the design and implementation of those policies, programmes and government actions. Indirect impacts on the population can also be anticipated and, more generally, impacts of a cultural nature on society, in terms of its perception of the government role in fostering gender equity and respect for diversity and non-discrimination.

At this time, having information available for assessing the differing status of women and men is essential for taking public decisions. With this in mind, a process has been launched to incorporate gender criteria into the official statistics of public agencies, in coordination with the National Statistics Institute (INE). A number of actions have been taken, including: disaggregation of government statistics by sex, in particular for data on the users and beneficiaries of public services; construction of a statistical database that contains information on the status of women and men over the last decade, and which can be accessed through the SERNAM web page; and public release of information on women and men, published jointly⁶⁷ by SERNAM and INE.

⁶⁷ "Chilean Women: Statistics for the New Century", National Office of Women's Affairs, SERNAM, and National Statistics Institute, INE. 2001. "Chilean Women. Trends of the Last Decade", Census 1992-2002, National Office of Women's Affairs, SERNAM, and National Statistics Institute, INE. March 2004.

IV. MAIN CHALLENGES AND ACTIONS TO ADDRESS THEM

The main problems and difficulties encountered during the period under review have been described as outstanding challenges in each of the critical areas of concern addressed in this document. Those challenges, in turn, have given rise to new measures and initiatives for meeting them and are now priority areas for government action in coming years.

The Equal Opportunity Plan for Women and Men 2000-2010 is the key instrument of gender equity policies. It gives priority to six broad areas in which inequalities have been identified that must be corrected, and it sets out the principal guidelines for action during the decade. The six broad priority issues are:

- Promoting a culture of equality
- Promoting women's rights and their full enjoyment
- Women's participation in power structures and in the decision-making process.
- Economic independence for women and reducing poverty.
- Improving the day-to-day well-being and quality of life
- Introducing the gender focus in public policies.

For the years 2004-2006 in particular, SERNAM will pursue the following strategies, measures and lines of action:

Institutionalizing the gender focus in public policies:

- Monitoring ministerial and sectoral commitments for equal opportunity, in particular in the reforms relating to health, education, justice and social insurance.
- Providing advice and training to public agencies for developing the gender equity system under the Management Improvement Programme (PMG).

Legal Reforms:

- Monitoring progress of draft bills, in particular those on Sexual Harassment in the Workplace, Family Courts, Family Violence, Mothers' Allowances, Quotas, the CEDAW Optional Protocol, the Social Insurance System for Seasonal Workers.
- Publication and dissemination of new legal regulations.

National policy on women and work:

- Policies, measures and coordinated actions to improve working conditions for female seasonal workers: in particular, the Childcare Centres and the Public-Private Committee for seasonal farm work.
- Strengthening small-scale female entrepreneurship in coordination with public and private services.
- Social and occupational support for low-income women through the *Chile Solidario* programme, including: employment preparedness training, educational upgrading, occupational skills, labour intermediation.

- Measures to improve labour occupational access and working conditions for female employees:
 - Childcare facilities.
 - National competition for good labour practices.
 - Strengthening women's participation in labour unions and associations.
 - Design and implementation of the National Female Employment Quality Index.
 - Adaptation of legislation to new work patterns.

Women's participation and exercise of their rights:

- Publicizing women's rights and their enjoyment:
 - Government information system on rights -- Information, Complaints and Suggestions Offices (OIRS): responding to telephone queries, providing professional advice, routing inquiries to other services.
 - Training and information on rights through workshops, training courses, field tours.
 - Providing information on rights through new technologies: the *mujereschile* web page and portal (micro site on rights), e-mail.
- Promoting women's participation in politics and decision making:
 - National and local communication and outreach strategies to generate public opinion favourable to women's social and political participation.
 - Leadership training programmes
- Strengthening women's participation in civic affairs and in relations with the state:
 - Public sessions to monitor the regional equal opportunity plans and the ministerial commitments for equal opportunity.
 - Measures to encourage women to participate in originating and assessing public policies.
- Making women aware of their rights relating to sexual and reproductive health, and the prevention of family violence.
 - The Incentives Fund for women's social organizations.

Family violence policy:

- Prevention and Care Centres for Victims of Family Violence.
- Coordination of efforts by government and civil society to prevent family violence.
- Community networks for preventing family violence.
- Prevention campaigns.

The commitments assumed by the Chilean government under the Millennium Development Goals for 2015, as they relate to promoting gender equality and empowering women, are reflected in the priorities described above. In particular, the emphasis has been placed on:

- Ensuring equitable access for women and men to decision-making positions, in Parliament and in local government.
- Increasing the labour market participation rate of women, especially for lower-income women.
- Increasing the coverage of preschool services for the children of working women.
- Improving the quality indices for female employment.
- Ensuring equitable access for women and men at all levels of schooling: basic, secondary, and higher education.

SELECTED BIBLIOGRAPHY AND DOCUMENTS

“Chilean Women. Trends of the Last Decade”, Census 1992-2002, National Office of Women's Affairs, SERNAM, and National Statistics Institute, INE. March 2004

Preliminary Report on the Millennium Goals, SERNAM, March 2004.

Fourth Periodic Report of the Government of Chile on the Measures Adopted to Implement the Provisions of the Convention on the Elimination of All Forms of Discrimination against Women, January 2004.

Management Improvement Programme. Official Report. Management Planning and Control System. SERNAM. December 2003.

Health Profile of Women and Men in Chile 2003. Pan American Health Organization-World Health Organization, 2003.

Chile: The Situation of Health and Sexual and Reproductive Rights. SERNAM. Health and Reproductive Rights Corporation (CORSAPS) and Chilean Institute of Reproductive Medicine (ICMER). December 2003.

Preliminary Report on the Millennium Goals for Chile, UNDP, October 2003.

Epidemiological Bulletin of CONASIDA No.15. National AIDS Commission, Ministry of Health, December 2001

SERNAM: "Detection and Analysis of the Prevalence of Family Violence", Santiago, 2001.

Report of the Government of Chile on the Commitments Accepted at the Fourth World Conference, Contained in the Beijing Platform for Action, April 2000.

Follow-up Report on the Beijing Platform for Action, presented by the Government of Chile to the United Nations Division for the Advancement of Women (DAW), May 1999.