



**ALTERNATIVE REPORT FOR REVIEW OF THE STATE  
OF CHILE BEFORE THE HUMAN RIGHTS COMMITTEE  
IN ITS 111th SESSION  
-July 2014-**

**ALTERNATIVE REPORT PREPARED BY**

Corporación Humanas- Centro Regional de Derechos Humanos y Justicia de Género  
 Agrupación Lésbica Rompiendo El Silencio  
 Aldeas Infantiles SOS Chile  
 Centro de Derechos Humanos de la Universidad Diego Portales  
 Centro de Estudios de la Mujer – CEM  
 Corporación CODEPU  
 Comisión de Observadores de Derechos Humanos Casa Memoria José Domingo Cañas,  
 Fundación 1367  
 Coordinadora Autónoma Contra la Violencia  
 Corporación Chilena de Prevención del Sida-ACCIONGAY  
 Corporación Circulo Emancipador de Mujeres y Niñas con Discapacidad de Chile-  
 CIMUNIDIS  
 Corporación de Promoción y Apoyo a la Infancia PAICABI  
 Corporación de Estudios para el Desarrollo de la Mujer - CEDEM  
 Corporación Opción  
 Fundación Consejo de Defensa del Niño - CODENI  
 Fundación de Beneficencia Hogar de Cristo  
 Fundación Iguales  
 Fundación Instituto de la Mujer  
 Fundación Mi Casa  
 Fundación Observatorio de Género y Equidad  
 Movimiento por la Diversidad Sexual - MUMS  
 Organización de Transexuales por la Dignidad de la Diversidad – OTD

## General

1. Corporación Humanas has been established as the coordinating body for this report, which presents, in the opinion of the member organizations, the main problems that Chile faces with respect to human rights under the International Covenant on Civil and Political Rights. The report includes recommendations to move towards the guarantee of these rights.
2. The organizations endorsing this report are: Corporación Humanas- Centro Regional de Derechos Humanos y Justicia de Género; Agrupación Lésbica Rompiendo El Silencio; Aldeas Infantiles SOS Chile; Centro de Derechos Humanos de la Universidad Diego Portales; Centro de Estudios de la Mujer – CEM; Corporación CODEPU; Comisión de Observadores de Derechos Humanos Casa Memoria José Domingo Cañas, Fundación 1367; Coordinadora Autónoma Contra la Violencia; Corporación Chilena de Prevención del Sida – ACCIONGAY; Corporación Círculo Emancipador de Mujeres y Niñas con Discapacidad de Chile – CIMUNIDIS; Corporación de Promoción y Apoyo a la Infancia – PAICABI; Corporación de Estudios para el Desarrollo de la Mujer – CEDEM; Corporación Opción; Fundación Consejo de Defensa del Niño – CODENI; Fundación de Beneficencia Hogar de Cristo; Fundación Iguales; Fundación Instituto de la Mujer; Fundación Mi Casa; Fundación Observatorio de Género y Equidad; Movimiento por la Diversidad Sexual – MUMS; and Organización de Transexuales por la Dignidad de la Diversidad – OTD. The cards with contact information for each of these organizations are attached at the end of this report.

## Article 1. The right of peoples to self-determination

3. The creation of a new constitution for Chile is something that the public has yearned ~~for~~ since the recovery of democracy. The legitimacy of the country's current constitution is often questioned because, despite the various reforms to which it has been subject, the constitution remains the same as that imposed during the civil-military dictatorship that ruled the country for 17 years.
4. Social movements, revitalized in recent years, have attempted to permeate the public agenda with demands for equality and a deepening of democracy. Students, women, people of sexual diversity, indigenous peoples, citizens of different regions of the country and people with disabilities have revived the public discussion of replacing the current constitution of illegitimate origin with a new one that reflects a diverse citizenship and recognizes and protects fundamental rights.
5. Among the many shortcomings of the current constitution, the absence of constitutional recognition of indigenous peoples stands out. Legislative debate on a constitutional reform in this area has been stalled in the Senate since April 2009.<sup>1</sup> Apart from the fact that indigenous peoples were not duly consulted, the proposal presents other serious problems: the initiative does not recognize the rights of indigenous peoples as established by international law; it makes no mention of the right to self-determination and land rights; and it limits the current status of indigenous water, making it virtually impossible to satisfy legitimate indigenous claims and the right to self-determination contained in Article 1 of the International Covenant on Civil and Political Rights (hereinafter ICCPR).

6. In 2006, the Human Rights Committee (hereinafter the Committee) expressed its concern about the claims of indigenous peoples - mainly Mapuche people - that have not yet been addressed, and given the slowness of the demarcation of indigenous lands, recommended streamlining the procedures for the recognition of their ancestral lands. Along these same lines, the Committee recommended “consulting indigenous communities before granting licenses for economic exploitation of the disputed land, and ensuring that in no case the exploitation in question jeopardizes the rights recognized in the covenant” (paragraph 19).

7. It should be noted that in January 2012 the congress approved the constitutional reform regarding the special territories of Easter Island and the Juan Fernández Archipelago.<sup>2</sup> Although the Rapa Nui people had been consulted for the original proposal submitted during President Michelle Bachelet’s first administration,<sup>3</sup> the project was substantially modified during the legislative process. These modifications were not subjected to a new consultation process with the Rapa Nui people directly affected, despite the significant change in the text of the constitutional reform under debate, which flagrantly transgresses the consultation obligation established in Convention 169 of the International Labour Organization (hereinafter ILO).

8. Meanwhile, the congressional debate that took place in 2012 with respect to the so-called Fishing Law did not include a mechanism for the consultation and participation of indigenous peoples.<sup>4</sup> This is despite the fact that it is clearly a legislative measure that is likely to directly affect indigenous peoples whose livelihoods are centered around marine resources, such as the Lafkenche, Rapa Nui and Kawésqar peoples. This prompted both senators<sup>5</sup> and representatives<sup>6</sup> to submit to the Constitutional Court declarations of the unconstitutionality of the draft law based on the violation of a number of rights of indigenous peoples, particularly their right to be consulted in accordance with the provisions of Convention 169 of the ILO, a request that was rejected by the court.<sup>7</sup>

9. Similarly, the legislative debate on former President Piñera’s proposal for an electric highway has experienced a similar lack of consultation with indigenous peoples.<sup>8</sup> The electric highway proposal establishes servitud serving the national interest in portions of public and private territories that have the potential to affect indigenous territories, because the route is planned precisely in areas with a high density of indigenous communities. Despite this fact, it does not include mechanisms for the participation of indigenous peoples, communities and individuals whose territories may be impacted or any other mechanisms for citizen participation. Particularly troubling is the total lack of consideration in the presidential initiative of the potential total or partial loss of indigenous peoples’ lands. Also, its implementation could result in the displacement of populations located along the route.

10. Also troubling is the lack of a consultation process with indigenous peoples in the preparation of the presidential draft law on forestry promotion, which amends and extends the Decree Law No. 701 from 1974 for twenty more years.<sup>9</sup> This is despite the impact it has for the Mapuche people in terms of access to their ancestral lands, preserving their way of life and the integrity of their habitat. The congressional debate that gave rise to the initiative did not address the necessary consultation process with the peoples concerned.

11. Moreover, the debate on the consultation mechanism has presented flaws in the participation and representation of indigenous peoples. After numerous criticisms of Decree No. 124 for failing to meet international standards on consultation, President Piñera’s government implemented a “Consensus Panel” to create an indigenous consultation mechanism. However, this panel was unable to meet its objective, due to a lack of sufficient indigenous representation, exclusions in the invitation and methodology

problems, among many other shortcomings. Consequently, Supreme Decree No. 66 (November 15, 2013) on the consultation in general and the Regulations of the Environmental Assessment System No. 40 (October 30, 2013) on environmental impact and investment projects were passed. Both regulations were imposed without properly consulting indigenous peoples.

## **12. Recommendations:**

- a) Advance on the public discussion concerning the new constitution and the protection of the rights of all people.**
- b) Implement an effective consultation mechanism that complies with international standards in conjunction with the representative institutions of indigenous peoples.**
- c) Incorporate the constitutional recognition of indigenous peoples, duly consulted, in the Constitution.**

## **Article 2. Guarantees of protection of Covenant rights**

13. 2013 marked 40 years since the military coup and it was a unique opportunity for Chile to face its recent past, learning the lessons needed to advance in the process of justice and truth by means of a deep and honest dialogue. However, this opportunity was not taken advantage of as it might have been.

14. Of the 3,216 officially recognized killed or ‘disappeared’ victims, there has been prosecution in approximately 75% of cases.<sup>10</sup> This contrasts sharply with the 65 government agents serving time in prisons, mostly in military centers.<sup>11</sup>

15. Since 2009 the Human Rights Program of the Ministry of the Interior has been able to file lawsuits for victims of enforced disappearances and political execution, with more than 500 to date.<sup>12</sup> However, there is no state agency dedicated to criminal prosecution for torture committed during the civil-military dictatorship, which results in minimal prosecution.<sup>13</sup> Of the 38,254 recognized victims of political imprisonment and torture, less than 30 trials have been initiated, including five lawsuits for sexual violence.

16. The systematic sexual violence against women committed under the dictatorship remains invisible, particularly in judicial rulings that do not give special treatment to this type of violence.

17. The current amnesty law remains in force, despite many recommendations in this area.<sup>14</sup> Draft laws to repeal it and those designed to establish the inapplicability and inappropriateness of pardons and amnesties have been unsuccessful in congress.<sup>15</sup>

18. Although the Supreme Court has recognized that crimes against humanity have no statute of limitations, the application of mitigating circumstances and ‘gradual prescription’ and the granting of benefits to those convicted results in penalties that are minor compared to the seriousness of the crimes committed, in many cases allowing convicted officers to remain in freedom.

19. The problems classifying victims of political imprisonment and torture in 2004 are compounded by the low rate of qualification of the Valech Commission II (approximately 30%), impossibility of appeal, the immediate closure of the commission, the limited dissemination of results on a website subsequently closed by the government and the total omission of sexual violence. All this has a major impact on the right to reparation for victims and their families and the knowledge of the truth of what happened in the country.

20. In addition, the standard that establishes the confidentiality of the documentation collected by the Truth and Reconciliation Commission (*Comisión de Verdad y Reconciliación*) and the National Commission on Political Imprisonment and Torture (*Comisión Nacional sobre Prisión Política y Tortura*) continues in force, which prevents the use of this information to identify those responsible for killings, disappearances and torture.

21. In its 2006 concluding remarks, the Committee noted the efforts to create the National Institute of Human Rights, recommending that the government “establish a national human rights institution as soon as possible in full compliance with the principles relating to the statute of National Institutions for the Promotion and Protection of Human Rights (Paris Principles), annexed to resolution 48/134 of the General Assembly. To this end, civil society should be consulted” (paragraph 6). In this regard it should be noted that Law No. 20,405 that creates the National Institute of Human Rights was enacted in December 2009 and the institute was established in July 2010. Its significant role in the promotion and protection of human rights in the country is recognized and valued.

22. During President Piñera’s administration, a draft law was sent to congress to create an Undersecretary of Human Rights,<sup>16</sup> thereby establishing a government body coordinating the executive branch on issues of human rights. It is expected that the legislative debate will correct some of the limitations of the proposal, such as a lack of authority to redress human rights violations, including those committed during the civil-military dictatorship that ruled the country between 1973 and 1990 and those committed since the return to democracy and in the future.

23. Chile does not have a People’s Public Defender and the draft laws in the National Congress for its creation have been paralyzed since 2009, since the government has not granted them the necessary legislative urgency to advance discussion.

24. It is troubling that to date a national human rights plan has not yet been designed and implemented. This is an essential tool for compliance with international human rights obligations that apply to the State of Chile. This plan should establish clear objectives, responsibilities and goals to be evaluated within certain deadlines for each of the public agencies involved and should include mechanisms for the participation of civil society in its design and implementation.

25. With respect to international human rights obligations, still pending is the ratification of the Optional Protocol to CEDAW, the Protocol of San Salvador, the Optional Protocol to the ICESCR, the ILO Convention 189 on Decent Work for Domestic Workers, the ILO Convention 184 on Safety and Health in Agriculture, the Inter-American Convention Against All Forms of Discrimination and Intolerance and the Inter-American Convention against Racism, Racial Discrimination and Related Intolerance.

26. The country lacks a comprehensive child protection system, and therefore children and adolescents do not have legislative measures guaranteeing their rights. While there have been rights protection draft laws submitted, there has been no progress in their legislative processing.<sup>17</sup>

27. Regarding lesbian, gay, transgender, bisexual and intersex persons (hereinafter LGBTI), the country continues to lack the following: legal recognition and protection of their emotional relationships; legal protection of lesbian co-maternity and the filial relationships this generates in terms of the non-biological son/daughter; and a state policy to train officials to eradicate discrimination on grounds of sexual orientation and gender identity. This situation is exacerbated by the fact that there has been no implementation of campaigns, ongoing programs or courses of education and training for public officials at the regional and national level and particularly for judicial officers from all areas and

echelons of the judiciary branch on *i) human rights, sexual orientation and non-discrimination, ii) protection of the rights of the LGBTI community, and iii) discrimination, overcoming gender stereotypes against LGBTI people*, with which the State of Chile is obliged to comply based on the ruling of the Inter-American Court of Human Rights in the Case of Atala and Daughters v. Chile, dated February 24, 2012.<sup>18</sup>

28. Lesbian women suffer double discrimination, from being a woman on the one hand and from their sexual orientation on the other. For this reason it is troubling that the state continues to lack specific recognition and protection of their rights, diluting their needs with the general needs of sexual diversity.

29. Failure to comply with the obligations to respect, protect and guarantee the rights of LGBTI people is exacerbated in the case of transgender people. It is a matter of concern that the state does not recognize their gender identity and their rights to change their legal sex and name, with serious violations of their human rights continuing to exist: the predominant judicial practice has required reassignment surgery procedure as a precondition for legal sex change.<sup>19</sup>

30. The state has not incorporated the guidelines of the Yogyakarta Principles into its legislation or public policy, which translates to discrimination in education, health, work under humane conditions and access to justice, among others.

31. Article 373 of the Penal Code, which addresses offenses against modesty, morality and decency,<sup>20</sup> is a blank criminal offense, meaning it does not describe the behavior criminalized and punished, which is unconstitutional. The lack of a definition for the penalized behavior enables its arbitrary and discriminatory application by the police against gays, lesbians and mainly against transgender people who are victims of police violence and sexual abuse. Under the umbrella of this type of offense, the police stop and abuse people of sexual diversity who have not committed any crime due to their affective expression or gender identity, although no prosecution or conviction results.<sup>21</sup>

32. Article 365 of the Penal Code establishes a differentiated system of persecution for sexual relations involving persons under 18 and over 14 years of age. If the relationships in question are heterosexual, this type of behavior will only be prosecuted if there is an exploitation of a position of vulnerability of the minor;<sup>22</sup> however, when there is sodomy, the penalty will occur in any event, irrelevant of the minor's consent. In 2010 the Chilean Constitutional Court ruled that this provision was in accordance with the constitution.<sup>23</sup> Considering the situation of sustaining a male homosexual intercourse before age 18 to be particularly disruptive to the formation of personality.

### **33. Recommendations:**

- a) Repeal the amnesty decree law and establish the non-applicability of statutory limitations of crimes committed during the civil-military dictatorship and the inadmissibility of mitigating circumstances and 'gradual prescription.'**
- b) Implement a single, transparent system for monitoring the progress of lawsuits related to human rights violations during the civil-military dictatorship, compliance with sentences and granting of parole/release benefits during prison terms, ensuring proper compliance with the conditions of these benefits and judicial monitoring of the respective verdicts.**
- c) Create a permanent body for monitoring, reception and recognition ("qualification") of people affected by forced disappearances,**

extrajudicial executions, torture and other serious human rights violations between 1973 and 1990, continually opening the so-called “Rettig and Valech lists” and producing an updated registry of the individuals currently recognized by these lists and by other agencies that promote the exercise of the right to reparation of those harmed by state crimes.

- d) Make public all the information collected by the Truth and Reconciliation Commission and the Commission on Political Imprisonment and Torture in order to ensure truth and justice for victims.
- e) Accelerate the debate on the Undersecretary of Human Rights and give it powers of defense, guarantee and reparation of serious violations committed during the military dictatorship, as well as other human rights violations that have been recognized in recent convictions against the State of Chile.
- f) Create the People’s Public Defender, including specialized defenders of women, children, migrants, indigenous peoples, persons with disabilities and persons of sexual diversity, incorporating guarantees of independence, autonomy and assets.
- g) With broad citizen participation, develop and implement a National Human Rights Plan that includes performance indicators agreed upon with civil society.
- h) Ratify the Optional Protocol to CEDAW, the Protocol of San Salvador, the Optional Protocol to the ICESCR, the ILO Convention 189 on Decent Work for Domestic Workers, the ILO Convention 184 on Safety and Health in Agriculture, the Inter-American Convention Against All Forms of Discrimination and Intolerance and the Inter-American Convention against Racism, Racial Discrimination and Related Intolerance.
- i) Provide full and effective recognition and equal protection of identity and gender expression for transgender people, via, among other methods, the adoption of a law on gender identity. Ensure that in healthcare, education and work transgender people are treated with equal respect and consideration, always recognizing their gender identity.
- j) Provide full and effective recognition and equal protection for lesbian women, via legal and public policy recognition of their double social and economic vulnerability and, therefore, of the double necessity of promoting and strengthening their specificity in matters of education, healthcare and access to jobs and public services.
- k) Fully comply with the obligations imposed on the state by the ruling of the Inter-American Court of Human Rights in the Atala and Daughters case, in particular the obligation to establish an ongoing policy of training of civil officials on issues of gender, sexual diversity and human rights, with special emphasis on judicial officers.
- l) Repeal sections 365 and 373 of the Penal Code.

### Article 3. Gender equality

34. The participation of women in the labor market has risen to just over 47%. Despite this increase, it remains below the average for Latin America. The low labor force participation of Chilean women not only impacts the poverty levels, but also deeply threatens women's possibilities of achieving economic independence, a fundamental condition for the exercise of a set of other rights, including the right to a life free of violence.

35. The growth in women's employment hides the instability and insecurity that characterize women's work in Chile. As noted by the Fundación Sol, this work has low formality, instability and labor discontinuity. Women are unlikely to have formal, stable and protected employment. Thus, while employment has grown, it has been primarily through self-employment, part-time employment and low-skilled employment.

36. In 2011, Law N° 20,545 was passed, amending the rules on maternity protection and incorporating postnatal parental leave. However, this law does not make progress on separating the costs of maternity from hiring women and transferring them to society as a whole. On the contrary, it maintains and reinforces a rigid and stereotyped distribution of roles and responsibilities between men and women, placing the main responsibility for childcare on women.

37. Chilean law does not protect the rights of workers with family responsibilities. The paradigmatic "daycare right"<sup>24</sup> regulation only recognizes women who work in companies where 20 or more women work. Draft laws to extend this right to workers have been unsuccessful. This situation impacts women's employment and maintains the responsibility for childcare with mothers.

38. In the private domestic workers segment, one can observe an intensification of many of the existing gender discriminations in the country and the remaining challenges: the feminization of certain occupations; low wages; double roles resulting from the allocation of care responsibilities to women; etc. Therefore, there is much value in the draft law that amends contracts for private domestic workers, proposing to reduce working hours to a maximum of 45 hours per week, as is the case with the rest of the country's workers, even though the project does not resolve the oversight mechanism for compliance with the maximum working hours, especially in the case of live-in workers, and it fails to eliminate the possibility of wrongful termination (eviction). However, it is worrying that the executive branch still has not brought the ratification of ILO Convention 189 on Decent Work for Domestic Workers before the National Congress.

39. In the indigenous population, the economic participation rate is at 55.2%, and when disaggregated by sex, 71% are working men, compared with 40.1% of indigenous women, which shows a significant gap in the participation of indigenous women and men in the productive work and income-generating activities.

40. Once immigrant women attempt to insert themselves in the Chilean labor market, they face the difficulties of a society with marked inequality gaps, an unstable labor market, a lack of protection for workers and immigration legislation that links visas to employment, which results in migrant workers tolerating illegal working conditions to keep their immigration status in good standing. In addition, immigrant women are more likely to perform informal jobs. The 2009 CASEN Survey indicates that the proportion of female immigrants with an employment contract is lower than men in all quintiles. In the first quintile (the poorest), only 28.5% of women have a contract, a percentage that exceeds 60% in all other quintiles. A significant number of women immigrants are inserted in the Chilean labor market as private domestic workers, whether or not they reside in the house where they work.

41. Lesbian women, meanwhile, face the same problems caused by gaps in access to employment and salaries common to all women, which increase as a result of their lack of protection due to sexual orientation. There is a lack of public policies that foster a twofold objective: the elimination of discrimination based on sexual orientation and the express recognition, promotion and empowerment of lesbians within the working environment. Additionally, formal research is needed in order to gather information on and then address violations of the right to work caused by this double discrimination.

42. The Committee expressed its concern about discrimination against women in the workplace, especially in the private sector, recommending that the state “redouble its efforts to combat discrimination against women in the workplace, through measures such as investment in burden of proof in cases of discrimination in favor of the female employees, so that employers must explain the existence of low levels of employment, responsibility and salary with regard to women” (paragraph 18).

43. In its periodic report, the state reports the adoption of Law No. 20,348 in late 2009 establishing equal pay for men and women who do the same work. While the draft law initially proposed that, on the subject of salary, “*the principle of equality between male and female labor for a service of equal value should apply,*” adopting the term used in international law - both in ILO Convention 100 and in the texts of most of the countries that have legislation on this issue -, after discussion congress resolved that Chilean law would use the concept of *same work*. This implies a limitation, given that -since the market is highly segregated by sex - women usually do not perform the same jobs as men, that is, they do not hold the same positions or perform the same functions. This is precisely why the regulation in Chile does not protect against discrimination in employment.

44. The standard also establishes the obligation of all employers with 200 or more workers to keep a written record with the description of the positions or functions, the number of people who perform them and the names of those who perform them, in addition to having an internal procedure for submitting claims of wage inequality as a preliminary procedure before it is brought to court. All workers of small and medium companies are left without protection. The constraints introduced in the congressional debate weakened the protection of women’s wages, especially for those who work in smaller companies and in sectors where occupations are more segregated by sex.

45. Another difficulty in implementing the law is the fact that, for female workers to assert their right to wage parity with male workers who carry out the same work, they need to know the remuneration of these male workers and companies tend to withhold this information. Thus, the right to equal pay is restricted to situations in which the worker knows the remuneration of all those who provide the same service.

46. There is a troubling absence of guidelines and public policies regarding corporate social responsibility, especially with regard to gender equity in companies, an issue that is fundamental for the establishment of indicators to assess and monitor progress of women’s inclusion and protection of women’s rights at both the public and private level.

47. With respect to seasonal work in the agricultural export sector, where primarily women work, there are very precarious conditions in terms of contracts, low pay, duration of working hours, occupational health and safety. This is why so many occupational accidents due to serious cases of intoxication still occur, threatening the lives and health of the temporary female workers.

48. Regarding education, although access is guaranteed at the school level, the country still has a gap in the quality of education in both socio-economic and gender terms, which leads

to lower outcomes among the poorest and among women, according to the selection and measurement systems used.

49. Also, there are persisting social and cultural patterns and gender stereotypes that cause the existence of areas of higher education “for women” and “for men,” which have an impact in terms of devaluation of and lower income for women. The insufficient work done at the school level to promote equality and non-discrimination, in order to obtain equal outcomes in the educational futures of young women and men, is particularly troubling.

50. In the area of sex education, there is an absence of continuity in public policies, and the impact of the different programs for reducing teen pregnancy has not been evaluated. There is also no specific policy to support adolescent mothers to ensure that they remain in the school system. Furthermore, this education does not address sexual diversity or provide secular support and counseling for adolescents who are gay, lesbian, transgender or have questions about their sexual orientation or gender identity.

51. Technological advances require highly trained workers with learning skills in the new technologies; however, there is no active concern to reduce the digital gender gap that starts in the school stage.

52. 2009 figures<sup>25</sup> indicate that 7.4% of indigenous women are illiterate compared with 4.9% of indigenous men. The same is true when considering the urban-rural variable, with illiteracy in the rural indigenous population at 12.8%, and the gender gap staying the same. It is noteworthy that the largest gender gap is observed at the “no formal education” level. 7% of indigenous women over 15 years of age are at this level compared to 4.1% of indigenous men.

53. With respect to the national legislation on violence against women, it can be noted that Law No. 20,066<sup>26</sup> (Domestic Violence Law), far from referring to violence against women as an abuse of power, only makes reference to domestic violence, thereby obscuring the extent of violence against women and its many manifestations in both the public and private sphere. Furthermore, the concept of family for purposes of this law, extends to the extended family<sup>27</sup> but does not expressly include families formed by lesbian women, excludes or at least complicates its application to lesbian women, resulting in a lack of protection.

54. In 2011 the Femicide Law was enacted. Despite the recognition that is advanced by the law, it is important to note that it inappropriately restricts the nature of the phenomenon to the family (partner or former partner), excluding the murder of women as an extreme result of violence against women (dating and other connections). Likewise, the penal approach to a problem as complex as violence against women is ineffective if not accompanied by preventive policies and guarantees of the full exercise of women’s rights.

55. The incorporation of violence against women as failed to translate into a National Policy on violence against women that provides a consistent, coordinated and effective approach to this problem. The ways it is addressed in terms of prevention, care, protection, punishment and redress are fragmented and unevenly developed, and mainly focus on its judicial and criminal dimension, punishing domestic violence in certain contexts, and punishing only some forms of violence.

56. In terms of prevention, policies in education, a central area for the construction of a culture based on the equality of persons and non-violence, are few or nonexistent. There have also not been any communication campaigns to raise awareness of inequality and discrimination against women. The system that assists victims of violence lacks an unambiguous and coordinated policy in its programs.

57. With respect to access to justice, the fragmentation in the treatment of violence is clearly evident in the way it is approached legally, with the emphasis placed on the physical consequences of abuse. A domestic violence situation is reviewed by different magistracies depending on the effects of the abuse. Psychological violence, for example, is reviewed in family court; the same goes for physical violence that leaves no injuries. For its part, physical violence that leaves injuries is taken before a criminal court, but not as violence against women. Instead it is reviewed as a specific offense, which can include injuries, sexual offenses and femicide.

58. An important factor in discerning where a case of violence is investigated and penalized depends on the “regularity” with which the violence occurs. The regularity classification, defined by Law No. 20,066, establishes jurisdiction in the criminal justice system only if the family court has previously issued a regularity classification of the allegations and sent the records to the Public Prosecutor. This is the only crime in which Chilean law prevents victims from reporting directly to the prosecutor body, which is a denial of access to justice that exacerbates the violation of rights. Moreover, this requirement significantly delays the timeliness of the justice, contributing to the vulnerability of those who turn to the court system to protect their rights.

59. One can observe a sustained pattern of prosecution oriented towards the conditional suspension of proceedings and other alternative solutions that do not involve the imposition of a sanction. This is worrying, as it perpetuates a practice that delegitimizes the penalty as part of a policy aimed at eradicating violence against women, resulting in a lack of protection and redress for victims and impunity for perpetrators.

60. Furthermore, violence against children is a structural problem in our country, where, according to UNICEF, 71% of children state that they experience psychological violence in their homes and 29.5% claim to experience severe violence. 75% of those who claim to have been affected by sexual violence are girls; thus it is necessary to strengthen public policies aimed at reducing discrimination against women.

#### **61. Recommendations:**

- a) Promote labor formalization for women, with labor contracts and social security contributions, and expand coverage of employment rights for informal women workers, in order to effectively address the precariousness of female labor. In the case of seasonal wage laborers, the labor law must be reformed to eliminate contracts for specific jobs and establish seasonal contracts.**
- b) Reform labor rights reconciling work and family labors, guaranteeing the protection of workers with family responsibilities and amend Article 203 of the Labor Code in the contribution to nurseries, including male and female workers to avoid the increasing costs of hiring women.**
- c) Modify the recent postnatal extension law so that postnatal parental leave is shared by both partners, incorporating an irrevocable paternity leave.**
- d) Incorporate indicators of gender equity in companies, under the framework of Corporate Social Responsibility.**
- e) Modify the Equal Pay Law, adding sanctions, promotion and increased resources to monitor its application, incorporating greater degrees of transparency in companies and organizations on the salaries of men and women.**

- f) Promote campaigns to incorporate more women in positions of public decision-making and union leadership.
- g) Guarantee the effective right to strike and collective bargaining, without the possibility of replacing striking workers.
- h) Strengthen the protection of labor rights of migrant workers, particularly female workers in private homes.
- i) Ratify ILO Convention 189 on Decent Work for Domestic Workers.
- j) Ensure the inclusion of gender equity in initial teacher training standards (from early childhood education onwards), requiring universities to take an active role in developing a culture of equality and non-discrimination and to take responsibility for the sexual development of children.
- k) Design and implement policies that guarantee equal outcomes for boys and girls throughout the entire educational system.
- l) Respond to the needs that arise among pregnant students, mothers and lesbians throughout the education system, and increase the abilities of faculty to detect situations of sexual abuse.
- m) Develop active policies to include girls in the use of new information and communication technologies.
- n) Develop a sex education program based on a human rights perspective that incorporates diverse options and is in keeping with a secular state.
- o) Amend national legislation on violence against women in order to cover all forms and manifestations of this, eliminating the requirement of “regularity” currently required for criminal domestic violence treatment.
- p) Implement a National Policy on Elimination of Violence against Women articulating multisectoral public offering in prevention, outreach and awareness, as well as care, reparation and guarantees of non-repetition, and to consider the educational background of children and youth, providing conceptual and practical resources that will strengthen a culture based on the respect to equality of persons and nonviolence.
- q) Create specialized prosecutors and public defenders on Violence against Women at a national level, destined to prosecute crimes of this nature and to avoid impunity.
- r) Adopt an effective monitoring system of precautionary measures and conditional suspensions of proceedings on violence against women, in order to ensure effective protection of victims.
- s) Establish the articulation of a single registration system to quantify violence against women in all its forms, and implement an articulated system, nationwide, to generate statistics and studies regarding the various manifestations of violence against women and girls disaggregating elements from other causes of discrimination.
- t) Provide continuous training in human rights and gender violence for all personnel responsible for assisting victims and providing justice, at all levels in the different government sectors.

## Article 6. Right to life

62. In Chile, abortion is criminalized in Articles 342 ff. of the Penal Code.<sup>28</sup> Therapeutic abortion was regularized in the Health Code of 1931, but was subsequently repealed in 1989 by Law 18,826. This means that the practice of abortion is illegal in Chile.

63. In 2006, the Committee reiterated its concern about the unduly restrictive legislation on abortion, especially in cases where the woman's life is in danger, recommending that the state "amend its legislation so as to help women avoid unwanted pregnancies and so they do not have to resort to illegal abortions that could put their lives in danger. It should also revise its legislation on abortion in order to be in accordance with the Covenant" (paragraph 8).

64. The state has not initiated a democratic debate on this issue, despite the repeated recommendations made by treaty bodies. In its sixth periodic report to the Human Rights Committee, the state openly acknowledges that it is willing to violate international standards and recommendations, stating in paragraph 34: "In line with Chile's position as expressed in previous reports, it must be stated that the national legal system protects the life of the 'unborn,' so abortion is prohibited in all its forms."

65. According to evidence from the Ninth National Survey on Women's Perceptions of their Situation and Living Conditions in Chile 2013 (*Novena Encuesta Nacional Percepciones de las Mujeres sobre su situación y condiciones de vida en Chile 2013*) conducted by Corporación Humanas, 84% of women agree with the legalization of therapeutic abortion and 80% in case of rape and fetal defects incompatible with life, while 29% agree with legalization for any reason a woman chooses.<sup>29</sup>

66. Despite its illegality, a recent study by Professor Ramiro Molina of the Faculty of Medicine, Universidad de Chile, analyzed hospital discharges from public hospitals due to abortion between 2001 and 2010, establishing an average of 34,000 of these procedures per year. Of these, it was determined that almost 40% are induced, and for every abortion that reaches the hospital, another 10 occur that are unknown, so it can be projected that between 130,000 and 180,000 abortions occur outside the health network.

67. The methods used are varied, and consequently the prices and risks to the life and health of those who undergo them are also varied. Clandestine abortion practices have changed greatly with the widespread use of misoprostol.<sup>30</sup> This medicine can be purchased on the black market throughout the country, which does not, however, guarantee that there are no risks from a clandestine abortion.

68. The illegality of abortion in Chile produces an inhibitory effect on professionals and places women in situations of vulnerability, risk to their health and avoidable suffering. Although abortion is a crime whose actual criminal prosecution is small, those who are primarily prosecuted and punished are women. In addition, criminal prosecution is very selective, falling mostly on the poorest. The absolute prohibition of abortion in Chile severely violates the human rights of women.

69. In 2009, the executive branch adopted a circular for the humanized treatment of abortion, on the verge of a periodic review by the Committee against Torture.<sup>31</sup> This circular was subsequently ratified in the document: Technical guidelines for the comprehensive care of women who have an abortion and other reproductive losses (*Orientaciones técnicas para la atención integral de mujeres que presentan un aborto y otras pérdidas reproductivas*) in 2011.<sup>32</sup> Nevertheless, between 2009 and 2012 more than 210 women attended by the Public Defender were criminally prosecuted, the majority probably having been identified and reported in health care facilities.<sup>33</sup>

70. The stories of some of the women and professionals interviewed for the 2013 Diego Portales University Report on Human Rights (*Informe de Derechos Humanos de la Diego Portales 2013*) reflect a continuing attitude of condemnation by health personnel, which in some cases means interrogation, denunciation or threats of denunciation. Although the Ministry of Health instructions are mandatory, it is striking that even the health providers interviewed, who are especially sensitive to this issue, did not know of its existence.

#### **71. Recommendations:**

- a) **Decriminalize abortion, or at the least, decriminalize it for three reasons: risk to the life of the pregnant woman, non-viability of the fetus and pregnancy resulting from rape.**
- b) **Promote legislative reforms to repeal the obligation to report women who have an abortion, effectively guaranteeing the rights of patients, particularly with respect to their private life and the confidentiality of their respective clinical information.**
- c) **Guarantee training for health professionals on obligations concerning women's human rights and how these relate to abortion. In particular, they should be trained on the scope of the protocol on humane treatment of abortion to ensure confidentiality for patients.**
- d) **Ensure that content on human rights of women and sexual and reproductive health is inclusive, and is incorporated in the curricula of the faculties of health sciences.**

#### **Article 7. Prohibition of torture and cruel, inhuman or degrading treatment**

72. The legal framework for punishing torture is inadequate. In Chile what would be a crime of torture is classified as unlawful coercion.<sup>34</sup> The draft law to adapt the crime of torture to international standards was shelved in March 2014, for not having been discussed.<sup>35</sup>

73. With respect to the serious human rights violations committed during the dictatorship, the Committee expressed concern at the lack of official investigations to determine direct responsibility, recommending that these crimes do not go unpunished and that all measures be taken to establish individual responsibility (paragraph 9).

74. While the prosecution of cases of forced disappearances and executions during the civil-military dictatorship is regulated by a ruling of the Supreme Court - "Act 81-2010,"<sup>36</sup> which stipulates that cases of disappearances and executions committed between September 11, 1973 and March 10, 1990 will be investigated by Ministers of Jurisdiction or by 'special visit' -, prosecution procedures for crimes of torture are not regulated in Act 81-2010, or in any other instrument.

75. The absence of a state institution that promotes the submission and development of lawsuits for crimes of torture committed during the civil-military dictatorship explains why, of the 1,457 current cases for crimes committed in that period, only 24 are related to crimes of torture perpetrated against surviving victims, and only 5 of them pursue criminal liability for acts of sexual violence as torture perpetrated against women during the military dictatorship. This shows that state institutions have chosen to hide the occurrence of these events, not to investigate them and to allow the perpetrators to go unpunished, which has meant that victims are denied their right to justice and reparation.

76. In the same vein, of the 104 sentences that the Supreme Court has issued between July 2007 and January 2012 for serious crimes committed during the military dictatorship, only three have been crimes involving torture.

77. This shows a need for decisive action by the state that delegitimizes torture and guarantees that state agents never resort to torture, especially given that a large number of detainees during public protests in recent years claim to have been victims of torture or other cruel, inhuman or degrading treatment.

78. There exists a pattern of police sexual violence exercised against girls, adolescents and women protesters. None of the branches of government has taken steps to prevent, prosecute, punish and eradicate police sexual violence against girls, adolescents and women, and no official information has been issued on the subject. The 2011 and 2012 annual report by the National Institute of Human Rights (*Instituto Nacional de Derechos Humanos*, hereinafter INDH)<sup>37</sup> sets out some of the allegations made by the civil society and the victims of these attacks, which consist of sexual touching, forced nudity and beatings of the genitals, among others.

79. This is further confirmed by the significant increase in the denunciations for unnecessary violence by police currently pending in the Second Military Court of Santiago. In 2011, there were 1,777 cases, compared to 2,657 in 2012, representing a 50% increase in denunciations in this military court.

80. In the last 5 years the police have made more than 80,000 arrests for public disorder. This averages out to more than 16,600 arrests annually for this cause, exceeding the total arrests for theft by more than 10%. The abuse of power by the police in carrying out identity checks and bringing people to a police station for the same purpose has been proven. These legal powers are used indiscriminately to stop people before, during and after social protest.

81. The military justice system remains in force for the investigation, prosecution and trial of criminal offenses against civilian casualties committed by those in uniform, including police, which goes against international obligations.

82. It is a cause for concern that allegations of police violence are heard by military courts without judicial guarantees or guarantees of impartiality, and with high levels of impunity. The INDH study on denunciations received by the Military Prosecutor for “unnecessary violence” in the regions of Coquimbo, Valparaíso, Metropolitan Region, Bernardo O’Higgins, Maule, Bío Bío and Los Lagos determines that in the 2005-2011 period there were convictions in only 0.2% of cases, while for the 1990-2004 period this figure was 3.8%. In 2011 on average about 5 denunciations were made per day against the Chilean police for the crime of unnecessary violence.<sup>38</sup> No figures are available for 2012 and 2013, but the trend is clear. In the last 4 years, more than 1,000 denunciations for police violence were submitted, and the majority remains in total impunity.

83. In addition, it is troubling that the public defenders, who represent detainees in social protest, are prevented from initiating a denunciation before the military prosecutor against the police for torture or other cruel, inhuman or degrading suffered by those they represent. Currently, the Criminal Public Defender does not have the institutional framework or resources to take any action in this area.

84. There is no public information on the phenomenon of police violence or abuse against people with disabilities. The National Disability Service (*Servicio Nacional de la Discapacidad*) has no information and no studies have been conducted. Faced with a request for public information, the service declared its absolute ignorance on the subject. Although the

phenomenon does not appear to be widespread, there is evidence of some cases of police abuse or violence against people who suffer from a disability.

85. In light of the indigenous social protest over the exploitation of natural resources as part of large investment projects in their territories and the reclaiming of their ancestral lands, in recent years the state has responded with a policy of criminalization that has resulted in jail for dozens of Mapuche and since September 2010 has affected members of the Rapa Nui people. In this period it was found that the Mapuche communities are frequently raided by those in uniform, who commit various abuses and mistreatment against children, adolescents, women and seniors, despite international recommendations in the area. It should be noted that indigenous women, especially Mapuche women, have been historic victims of disproportionate use of force by government agents in the context of these police operations.

86. In Chile, the implementation of a National Mechanism for the Prevention of Torture in accordance with international standards remains pending. It is essential for those carrying out the monitoring and the legal establishment of the mechanism to have autonomy.

87. Likewise, there is an urgent need to review police protocols, ensuring that police actions are in all circumstances respectful of human rights.

#### **88. Recommendations:**

- a) **Adapt police procedures to international human rights standards.**
- b) **Define the crime of torture in domestic criminal law so that it is in accordance with the definition in the Convention against Torture.**
- c) **Promptly implement the National Mechanism for the Prevention of Torture as an independent and autonomous body, with a sufficient budget for its work at the national level.**
- d) **Guarantee impartial and thorough investigations into all allegations of torture, including sexual violence against women and girls and violence against indigenous peoples and persons with disabilities, in order to punish those responsible, compensate victims and provide guarantees of non-repetition, outside the military jurisdiction.**
- e) **Review police protocols ensuring that police actions are in all circumstances respectful of human rights.**

#### **Article 8. Prohibition of slavery, trafficking, servitude and forced labor**

89. In its sixth periodic report, the state reported the adoption of Law No. 20,507, which defines the offenses of smuggling of migrants and human trafficking and sets standards for its prevention and more effective criminal prosecution (paragraph 74).

90. While the adoption of this law is a step forward, state actions have focused on the criminalization of the offense, leaving the prevention of human trafficking and the protection and assistance of victims as a secondary aspect.

91. In view of the risk that returning to their countries of origin poses for foreign trafficked persons, the possibilities of regularizing their immigration status and remaining in the country are key elements for their protection. So, having their residence and/or work permits in good standing is a necessary condition for the victims not to be further exploited and for them to reintegrate into and have access to decent employment in the destination country. However, assistance and support to regulate the immigration status of

victims is currently limited to the prosecution of the offense, and therefore there is a kind of obligation for the victims to participate in the criminal investigation in order to access these benefits.

92. The state does not have national coverage to house victims of trafficking. This deficit has been partly offset by civil society. A number of the shelters are run by religious organizations.

93. The investigation and prosecution of the crime of human trafficking has been a challenge for justice operators due to the rudimentary way in which trafficking networks operating in the country.

#### **94. Recommendations:**

- a) Ensure that victims of human trafficking receive comprehensive care, including access to shelters, health services, legal assistance and representation and rehabilitation, reintegration and family reunification programs and appropriate reparation**
- b) Guarantee that residence permits and identity documents are free for victims of human trafficking and their families, implementing support and assistance services for these procedures, regardless of their participation in the criminal investigation processes.**
- c) Train public officials, justice officials and police on issues of human trafficking and smuggling in Chile from a human rights and gender approach.**

#### **Articles 9 and 10. Prohibition of arbitrary detention, and Humane and dignified treatment in detention**

95. While there are regionally established Interagency Oversight Committees on Detention Centers (CISC - *Comisiones Interinstitucionales de Supervisión de Centros de Privación de Libertad*) for both adolescent offenders and children whose rights have been violated, the reports issued by these committees give an account of the ongoing flaws in security, infrastructure and provision of qualified personnel.

96. The high number of juvenile detainees, especially those who are deprived of freedom provisionally as a precautionary measure and then given non-custodial sentences, is troubling.

97. During 2013, 3,889 adolescents were subject to provisional detention measures, out of a total of 5,951 that were subject to non-detention precautionary measures, which shows that in over 50% of cases where precautionary measures are ordered in juvenile criminal proceedings, these consist of imprisonment, which goes against the principle of its application as a measure of *last resort*.

98. In cases where adolescents are convicted, of a total of 34,303 cases admitted to the juvenile justice system, 60.9% of the sentences do not involve deprivation of liberty.

99. With respect to women deprived of liberty, one can observe the existence of a legal framework built on the hetero-male model that does not consider the special needs of women prisoners. The few regulations that address women prisoners are limited to matters relating to motherhood, reinforcing the stereotype of “woman-mother.” In addition, there are high levels of overcrowding in women’s prisons, a problem that was not solved with the ‘general pardon law’ passed in 2012. There is a short supply of reintegration programs for women prisoners (in 2012 only 49 out of 4,406 prisoners were assisted by these

programs). Also there are limited reports and research on the conditions of women prisoners in the country, and thus the issue remains invisible.

100. The number of women imprisoned for drug offenses has been increasing since the 1980's and has skyrocketed since the 1990's. This is a worldwide phenomenon and Latin America is no exception. According to statistics of the Chilean Gendarmerie (national prison service), almost 50% of the crimes for which women are serving prison sentences are crimes regulated by Law No. 20,000 punishing illicit traffic in narcotic drugs and psychotropic substances.

101. Women who have been in prison often face greater difficulties than men when they reintegrate into society, because traditional gender stereotypes dictate that women are submissive, do not defy the laws and are the ones primarily responsible in the work of caring for children and the family; therefore, to have committed a violation of the law results in a greater degree of stigmatization. So, a woman who has had to serve a prison sentence must face a double punishment: a legal penalty for the violation and a social penalty for having challenged the prevailing stereotypes.

102. A recent study by the International Drug Policy Consortium emphasizes that the majority of women who enter the world of illicit drugs do so at the lowest level, as mules and small-scale "micro-traffickers," and do not take a leadership role in the commercialization process. An estimated average of 70% of women prisoners in the Americas, many of them heads of families, are in prison because of non-violent drug micro-trafficking crimes.

103. All this makes it imperative for drug policies to be reformulated, since excessive criminalization in the lower levels of distribution and consumption affect mainly women in situations of vulnerability.

104. Moreover, the country lacks internal standards in detention centers for the protection of people of diverse sexual orientation or gender identity, which puts the physical and mental integrity of LGTBI prisoners at risk.

#### **105. Recommendations:**

- a) Reform prison legislation, incorporating a gender and sexual diversity dimension in order to adequately address the issues of women prisoners.**
- b) Take concrete steps to address the problems of prison overcrowding.**
- c) Increase the number of educational training, employment training and gender-focused rehabilitation therapy programs.**
- d) Establish monitoring mechanisms for sentences and precautionary measures ordered for juvenile offenders, in order to ensure that deprivation of liberty is used in these cases as a tool of last resort.**
- e) Establish internal regulations for prisons regarding the protection of people of sexual diversity.**
- f) Reframe drug policy, incorporating a human rights approach and a gender perspective, and incorporating public health, education and social inclusion, focused on the prevention rather than the criminalization of possession and micro-trafficking.**

## **Article 12. Freedom of movement**

106. In Chile, the regulations governing migration date from 1974. This immigration law was enacted in the first year of the civil-military dictatorship, and therefore its main focus is on national security, not the protection of the rights of immigrants.

107. While the presentation of a draft law on immigration in May 2013 is a valuable step, it goes against the Chilean migration reality, ignores the state's capacity to authorize the residence of foreigners in the country, ignores the international instruments signed by Chile on regional integration and omits numerous international obligations on human rights. The draft law maintains the executive branch's wide margin of discretion on this matter, which violates the guarantees of due process. A positive feature of the draft law is that it includes criteria based on which the courts can use preventive protection resources against expulsion orders, on the basis of protection of children's rights, protection of the family and proportionality between the offense and the penalty, among others.

108. The draft law lacks a human rights approach; this is seen in the definitions embodied in the legal text and in the lack of actions that address international human rights instruments, the general comments of the treaty supervisory bodies and the recommendations made to the State of Chile by the universal and inter-American human rights systems.

109. Discrimination in entering the country has been reported repeatedly. There are allegations of differential treatment based on nationality and ethnic group that are a matter of concern and deserve a prompt response from the executive branch. The guarantee of labor rights regardless of the immigration status of the worker is a positive feature of Chilean legislation, and this draft law maintains it, which is valuable. However, this does not solve the main problem: the lack of oversight guaranteeing the law's enforcement.

110. In terms of access to health and social security, it is troubling and goes against international obligations and Chilean constitutional law that the draft law requires that health benefits financed by fiscal resources be conditional on two years' residence in the country. On the other hand, a positive aspect is that it establishes a comprehensive and complete guarantee of access to education, from preschool to secondary school, and expressly prohibits this from being contingent on immigration status.

111. Current immigration law does not comply with international human rights standards. The children of foreigners with an irregular immigration status born in Chile are registered as "children of a 'transient foreigner,'" denying them Chilean nationality, despite how long their parents have resided in the country and their desire to remain there.

### **112. Recommendations:**

- a) **Review the draft law on immigration, integrating international law on human rights.**
- b) **Review the criteria under which border officials refuse entry to foreigners, establishing protocols to ensure respect for the guarantees of equality and non-discrimination, especially due to ethnic factors.**
- c) **Change the interpretation of the concept of "transient foreigner" for the registration of children born in Chile to foreign parents, recognizing their Chilean nationality regardless of their parents' immigration status.**

#### **Article 14. Procedural guaranties**

113. In 2007, Law 20,084 was enacted creating a new system of adolescent criminal responsibility, establishing a special and differential system for young people between 14 and 18 that are suspected of having committed a crime. Its proposed fundamental objective is the accountability of the offending youth population, social reintegration and prevention of recurrence.

114. However, the national legislation does not provide sufficient alternatives for diversifying the criminal response in the case of juvenile offenders, where default provisions from the laws for adults have been used but which discourages reparation agreements and conditional suspensions of the proceeding.

115. Another concern is the lack of expertise of the actors involved in criminal proceedings. There are few specialized defenders and there are no specialized judges or prosecutors who bring together the social and educational purposes of juvenile criminal sanctions. There are also no judges for the execution of the penalties.

116. The result of all this is that the approach during the investigation and execution of the sentence remains adversarial, replicating the solution of conflicts used in adult criminal law instead of finding specialized solutions for a juvenile justice system.

117. An area of particular concern is the situation of those who are inimputable, i.e. children who are under the age of juvenile criminal responsibility but who commit criminal acts. Children under 14 are subject to a “minor offense” procedure under the Family Courts Law. In this process, they are subject to punitive measures without the possibility of having specialized legal defense or a reasonable deadline for providing evidence; additionally, the sentence is not subject to appeal. It is the family judge who investigates the facts and makes the final decision.

118. In 2011 the Anti-Terrorism Law was amended to exclude children under 18 years old from its application, bearing in mind the need for specialized justice for adolescents. However, during 2013 three young Mapuche were convicted in proceedings of adolescent criminal responsibility law that used evidence obtained in trials handled under the anti-terrorism law, violating current legislation.

119. The committee expressed concern about the definition of terrorism contained in Anti-Terrorism Law No 18,314, and the application of this law to members of the Mapuche people who have been charged with terrorism for protests or social demands related to the defense of land rights (paragraph 7).

120. There is an inevitable link between violence and the inadequate and late solution that the Chilean State has offered so far to the protests and demands of the Mapuche people. Since its creation, the anti-terrorism law has faced questioning of various kinds, mainly due to the subjective nature of the offense established as a terrorist crime that which is committed with the intent of producing in the population or a part of the population a justified fear of being victims of this type of crime, whether due to the nature and effects of the means employed, or evidence that it follows a premeditated plan to attack a particular category or group of people.

121. The indeterminacy and breadth of the definition of a terrorist act results in the possibility of selective application of anti-terrorism legislation to certain groups in society. This situation requires the actors in charge of investigation and judicial bodies to base their decisions on criteria of reasonableness and proportionality in relation to the aim pursued, because otherwise there is a danger of unjustified differential treatment occurring. Therefore, the burden of proving the reasonableness of the use of anti-terrorism legislation

rests with the State, at the risk of infringing the right to non-discrimination, expressly prohibited by international law of human rights.

122. The consequence of the legislative choice to characterize terrorist offenses based on the intended objectives of the perpetrators is that the verification of such events is very complex from an evidential point of view. This can be seen in the low percentage of cases that, brought to trial under Law No 18,314, have resulted in a conviction for any action referred to in this law. Since the entry into force of the present Penal Procedure Code (in late 2000), 107 people have been charged with an offense under anti-terrorist law,<sup>39</sup> distributed among 21 cases. But in only 5 of these cases are there convictions for a terrorist offense, resulting in a total of 11 persons convicted under this law.

123. Beyond the evidential difficulties verifying terrorist acts and the low potential for success in achieving convictions for such acts, there is no judicial mechanism for the decision to invoke the anti-terrorist law. Considering the amount of restrictions on due process during prosecution suffered by those accused of terrorist offenses, a step considered urgent - in addition to the reform of the concept of a terrorist crime - is the establishment of a monitoring mechanism in the initial proceedings in order to ensure the consistency and seriousness of the indictment submitted by prosecutors and minimize the possibility of errors in the use of anti-terrorism legislation.

124. In 2006, the Committee expressed concern over the continuing jurisdiction of the Chilean military courts in trying civilians for civil matters, and over the wording of Article 330 of the Military Justice Code, which could lead to an interpretation that would allow the use of “unnecessary violence” (paragraph 12).

125. Following this recommendation, in December 2010 Law No. 20,477 amending the jurisdiction of military courts was enacted. This law constitutes an important step towards excluding civilians and minors from the jurisdiction of the military courts when they are charged, but does not fully comply with the international obligations corresponding to the State of Chile. The limitation of military justice to military offenses committed by military personnel remains unfulfilled, given that a long list of crimes remain within the jurisdiction of the military courts because they are committed by those in uniform, without a distinction being made between common offenses or offenses pertaining to military duties. It is also troubling that the Military Justice Code still includes the death penalty in wartime.

126. It is a matter of particular concern that allegations of police violence constitutive of torture or other cruel, inhuman or degrading treatment are reported to the military justice system, whose lack of impartiality results in high levels of impunity for crimes committed by police officers and other uniformed officials (such as homicides, injuries, unnecessary violence, unlawful coercion, sexual violence, etc.), or the application of negligible sentences that do not match the seriousness of the crimes.

**127. Recommendations:**

- a) **Ensuring a democratic security approach establishing the conditions for a proper exercise of political control of public safety.**
- b) **Adopt a national strategy to comprehensively address the Mapuche issue in a well-defined and relatively short period of time.**
- c) **Reform the military justice system to entirely exclude civilians, limit it to military offenses committed by military personnel on active duty and ensure due process.**
- d) **Repeal the death penalty of the military justice code.**

## Article 16. Right to recognition of legal personality

128. The figures on people with disabilities in Chile show that 12.93% of the population has some type of disability (1 in 8 people), of which 58.2% are women.<sup>40</sup> However, there are no relevant public policies that address the main obstacles they face.

129. The application of the so-called “express interdiction” via Law No 18,600 is troubling. Just by registering a person with mental disabilities (without specifying the degree of disability) in the National Disability Register, an interdiction declaration and designation of one or both parents as definitive guardians can be requested.

130. In health systems, a medical model based on interdiction has historically dominated. This model considers people with disabilities unfit to hold responsibilities and be participants in decisions about their own bodies. This area requires decisive actions to dismantle three myths that have prevailed in public policies on people with disabilities: a disabled woman is an asexual woman; a disabled woman is infantilized, resulting in interdiction and lack of autonomy and responsibilities; and with respect to maternal role, a disabled woman is considered incapable of exercising motherhood.

131. A study in the Magallanes region demonstrates the control exercised over the bodies of women with intellectual disabilities in Chile, showing how these women suffer from a triple discrimination (as women, mothers and people with disabilities). This discrimination is mainly practiced by health professionals through forced sterilization, loss of custody and upbringing of their own children and marginalization of the control of their sexual and reproductive health in primary care centers.<sup>41</sup>

### 132. Recommendations:

- a) **Adapt internal legislation so that it effectively protects the rights of persons with disabilities, ensuring full recognition of their legal capacity and full enjoyment of their autonomy, especially in the field of health.**

## Article 23. Family protection

133. In Chile, the law only recognizes and protects people who have established relationships on the basis of marriage. People in cohabitation relationships are not recognized by any legal statute, and the personal, property and family relationships that arise between them are not regulated. This lack of recognition and protection is compounded in the case of unions between persons of the same sex, because Chilean law does not recognize any legal effect and does not offer legal protection for any of these relationships, favoring discrimination in a wide range of other areas.

134. Chilean legislation still retains two provisions that prevent marriages between persons of the same sex, or their recognition if they have taken place abroad: Article 102 of the Civil Code and Article 80 of the Civil Marriage Law.

135. Despite the clarity with which the Inter-American Court of Human Rights - in its ruling in the *Karen Atala and Daughters against the State of Chile* case - expressed its judgment on the scope of the state’s obligation to protect the family, recognizing that it is not limited to a traditional notion of family but includes both different and same-sex couples,<sup>42</sup> the Chilean congress has not discussed marriage equality.<sup>43</sup>

136. There is value in President Piñera’s administration’s project creating the life partner agreement (*acuerdo de vida en pareja* - AVP), which is aimed at recognizing and protecting the rights of people living together and covers both different and same-sex couples. However, it falls short of full compliance with the equality of rights enshrined in the Constitution and

international human rights treaties currently in force in the country, since it maintains - and reinforces - the legal discrimination that prevents same-sex couples from marrying, precisely because of their sexual orientation.<sup>44</sup>

137. Also, an aspect deliberately omitted from the proposed regulation for the life partner agreement deals with the legal status of the children of same-sex couples, the possibility of adoption of children by people united under the life partner agreement and the family relations between the children of one of the parties and his or her legal cohabitant.<sup>45</sup>

138. This lack of legal recognition is most evident in the case of partners of women who undergo fertility treatments with donor sperm. In the case of a heterosexual couple, the man who voluntarily attends the procedure with his partner is recognized as the father for all legal purposes, without the possibility of challenging his paternity for not having provided the genetic material. However, in case of two women, motherhood lies only with the woman that gives birth, and the law does not recognize all the rights and responsibilities of the other mother who voluntarily attends the fertilization process but who is prevented from exercising her maternity in accordance with the law for the mere fact of being a woman.<sup>46</sup>

### **139. Recommendations:**

- a) **Pass a law on civil unions to recognize and protect the rights of persons of different and the same sex living together, granting these people the civil status of a union.**
- b) **Legislate on marriage equality.**
- c) **Amend internal legislation in order to regulate the legal status of the children of same-sex couples while respecting the right to equality and non-discrimination.**

### **Article 24. Protection of children**

140. In Chile there is no universal, comprehensive child protection system. In terms of comprehensive public policy aimed at children and adolescents, there is only the Chile Crece Contigo (Chile Grows with You) program, which serves 40% of children living in extreme poverty between 0 and 6 years old and facilitates children's access to government programs and benefits from birth until the start of school. Law No 20,379 institutionalized this program, ensuring its continuity.<sup>47</sup>

141. There are only protection policies for children who have suffered serious violations of their rights or who have broken the law. As of 2013 these policies had served 210,007 children.<sup>48</sup>

142. Therefore, it is essential to have an institutional protection system, coordinated and with standards that are applied to the full range of policies that protect the human rights of children.

143. It is necessary to have a comprehensive law protecting the rights of children who fall under the protection of the police as part of the child protection system. Institutional standards do not make the human rights of children and adolescents explicit, and the actions of the police in relation to children are largely regulated by Law No 16,618,<sup>49</sup> criticized for its guardianship nature.

144. Article 10 of the Constitution<sup>50</sup> establishes an exception to the recognition of the nationality, applying the principle of *jus solis* for those who are children of transient foreigners. The Civil Registry and Identification Service use an interpretation of this

concept that includes any person in an irregular immigrant situation. In practice this means that a significant number of children born in Chile are not Chileans and are therefore left without a nationality. Some may obtain the nationality of their parents under the principle of *jus sanguinis*, while others cannot and end up without a nationality.

145. This interpretation ignores the case law of the Supreme Court in the cases of children of transient foreigners, which has rejected the Civil Registry's interpretation, recognizing that ordinary activities -such as the rental of property and obtaining economic income to subsist, among others- by parents are relevant factors in determining who is a resident, despite an irregular immigrant status.<sup>51</sup>

146. The enactment of the Adolescent Criminal Responsibility Law No 20,084 constitutes progress, since it creates a differentiated system of penal treatment between youth and adults and sets a minimum age of responsibility for criminal offenses. The variation and wide range of sanctions available has also been a step forward, with imprisonment reserved as a very exceptional measure.

147. However, major shortcomings are observed both in the process leading to the adolescent's conviction and in the execution of the sentence. A significant problem that appears in both the criminal proceedings and the penalty's execution is the lack of training and specialization of judges, defenders and prosecutors, in addition to the personnel involved in the penalty's execution and those who coordinate the actions of all those involved. There is a total lack of coordination among the state bodies that participate in the sentencing and penalty execution for convicted young people in the vast majority of non-custodial sentences and, in particular, in the special probation programs.

148. The 2009 CASEN Survey demonstrates the impact of teen pregnancy by income quintile, revealing that while in quintile I (the poorest households) the pregnancy or nursing rate per 1000 women 13 to 19 years old is 38.5, in quintile V (the richest) this rate is 2.4. 67.5% of adolescent mothers do not attend educational institutions, and the dropout rate among the poor is higher than among the non-poor by a difference of 10 percentage points.

149. The latest World Health Statistics report by the WHO (2011) reveals that for every one thousand Chilean girls aged 15 to 19, 51 become pregnant and have children. Yearly pregnancy in this age group is 35,000 to 40,000 pregnancies per year.

150. Addressing adolescent pregnancy requires the coordinated action of the state in both the field of health and education, with particular attention to the detection of cases of sexual violence against girls and adolescents that may result in pregnancy in this age group.

151. The sex education policies in the country have been permanently slowed due to the continuous supervision and monitoring by the most conservative political groups and the Catholic Church. Despite this, in January 2010, Law No. 20,418 was enacted, establishing standards for fertility regulation information, guidance and services. Article 1 of this law states that *"Everyone has the right to receive education, information and guidance on fertility regulation in a clear, comprehensible, complete and, where appropriate, confidential manner... the educational institutions recognized by the state shall include, in secondary education, a sex education program, which according to its principles and values, shall include content that fosters responsible sexual behavior and provides complete information on the different authorized contraceptive methods available, in accordance with the educational project, convictions and beliefs that each educational establishment adopts and imparts together with the parent and guardian centers."*

152. During the previous administration, sex education material that was available to schools in the Enlaces (Links) network was removed, since it contained, according to the

justification, “erotic” images. Subsequently seven sex education alternatives were made available to the educational establishments. These could be chosen based on the criteria and values of each establishment.

153. The government does not promote secular programs with a human rights approach to sexuality and reproduction; in the case of public education the ideology of the local authorities prevails when defining or establishing programs in the schools of their jurisdiction. As long as these programs are optional and not mandatory, the same will occur with private schools.

154. Moreover, the Ministry of Education does not ensure that each of these seven programs are consistent with the Convention on the Rights of the Child or with CEDAW, that is, with the principles of non-discrimination, progressive autonomy and the right to education and health.

155. Compounding matters, subjects of sexuality and gender are not included in undergraduate curricula. This is especially relevant in undergraduate teaching degree programs, which have increased greatly in number due to the increased demand for teachers, the extension of the school day and the compulsory education (12 years) being implemented. In other words, there are no teachers who are able to teach these subjects to the students.

#### **156. Recommendations:**

- a) **Apply an interpretation of the concept of transient foreigner that results in the recognition of the right to nationality consistent with the protection of the right to nationality and the rights of children.**
- b) **Pass a comprehensive law protecting rights that can act before criminal law and which constitutes for the State a protective body for fundamental rights, not just a body that punishes infringement of criminal law.**
- c) **Establish an ongoing state policy, not dependent on the administration in power, to promote sex education and teen pregnancy prevention, with regular impact assessments.**
- d) **Establish an ongoing state policy, not dependent on the government in power, for the guidance and counsel of adolescents regarding sexual orientation.**
- e) **Develop an education plan on sexuality, affectivity and gender that is respectful of human rights.**

#### **Article 25. Political rights**

157. In its concluding observations, the Committee noted with concern that the election system that prevails in Chile can prevent citizens from having effective congressional representation (paragraph 15).

158. Indeed, the binominal electoral system in force in the country for electing senators and representatives suffers from a problem of legitimacy, since it was established during the civil-military dictatorship. Its modification is extremely complex due to the high quorums required for the reform of constitutional provisions, so none of the legislative initiatives to modify it have been successful.

159. One of the main features of the electoral system is that it favors the dominance of two main blocks and tends to generate ties in terms of representation, preventing minority

representation. This has hindered the plural and balanced participation of the different existing political forces in the country, excluding significant sections of congressional representation.<sup>52</sup> Moreover, the binominal system significantly hampers the representation of women in congress, who constitute only 15.8% of the Senate and the House of Representatives, figures far below the regional average, which exceeds 25%.

160. The political underrepresentation of women is not unique to congress; rather, it is observed at all levels of public authority. At the local level (mayors), representation is extremely low, coming in at a meager 12%, and it is 24% at the level of councilwomen. In the executive branch, female ministers represent 39% (9 women out of 23 ministries) of the total cabinet. The Supreme Court, the highest body of justice in Chile, is composed of a president and 20 ministers, of which 5 are women (24%). The Constitutional Court is composed of 10 ministers, of which only 2 are women (20%). It is also a matter of concern that the participation of indigenous women in political positions is almost nonexistent, and that they are not represented in congress.

161. The current administration recently sent a draft law to congress to replace the binominal electoral system with a proportional one. This draft law includes balanced representation of men and women on lists of candidates and economic incentive for the political parties of the female candidates who are elected. Although this proposal moves in the right direction, it does not include measures to ensure that political parties do not misuse this measure of parity and enroll women candidates who have no real chance of being elected or who do not have partisan and financial support in their campaigns. The disparity in men's and women's access to economic resources in the country necessitates preferential financial support from the state for women candidates. Furthermore, the proposal does not resolve the little or no representation of minority groups, such as indigenous peoples, by not establishing affirmative action mechanisms to ensure their proper representation.

162. Regarding political participation, the lack of financial support granted by the State to civil society, whether to social organizations or NGOs, is troubling. As a result, in recent years many organizations have disappeared due to lack of resources. This affects citizen participation in the democratic process and the monitoring of authorities.

### **163. Recommendations:**

- a) Accelerate electoral reform to ensure adequate representation of political forces and equal participation of men and women, via mandatory mechanisms for political parties and special financing of women candidates.**
- b) Incorporate affirmative actions to ensure political representation of minority sectors of the population, particularly indigenous peoples, in the electoral system.**

## **Article 26. Equality before the law and non-discrimination**

164. In its sixth periodic report, the State reports the adoption of Law No. 20,255 on pension reform. However, this legislation does not address discrimination against women in the current Chilean pension system.

165. The individual capitalization system of pension fund administrators (*Administradoras de Fondos Previsionales* - AFPs) uses life expectancy tables differentiated by sex, which is highly discriminatory and harms women, since their life expectancy is higher. This means that with the same amount of pension savings, a woman receives up to 30% less pension than a man.<sup>53</sup>

166. On July 12, 2012, Law No. 20,609 that establishes measures against discrimination came into force. This law establishes a special action that allows Courts to receive cases of discriminatory conduct occurring in both private and public bodies. They are empowered to take all measures necessary to repeal the discriminatory act, ensuring that it is not repeated, or they may order the execution of an omitted action, establishing, in this case, a reasonable deadline for compliance. Additionally, the court shall impose a fine of 5 to 50 monthly tax units for the persons directly responsible for the discriminatory act or omission.

167. In order to facilitate the implementation of the law by the courts, Article 2 of the law gives a general definition of arbitrary discrimination, incorporating certain “suspect categories” which include gender, sexual orientation and gender identity.

168. However, despite the progress that the approval of this law could give rise to, it should be noted that its regulation is still lacking. This is because the main purpose of the law is to establish a special court action that only operates once the discriminatory act or omission has occurred, this leaves out preventive actions almost entirely. Apart from the general mandate set out in Article 1, the law does not establish any specific protective measure that public bodies must comply with, nor does it create an institutional framework designed to monitor and enforce compliance with the principles of equality and non-discrimination.

169. According to the law, all state administration bodies must design and implement policies to ensure, without arbitrary discrimination and for all persons, the enjoyment and exercise of the rights and freedoms recognized by the country’s Constitution and the existing laws and international treaties ratified by Chile. However, almost two years after the law’s enactment, this objective has not yet been fulfilled, and there remains a need for an entity responsible for the law’s implementation and evaluation, which can design, implement and evaluate public policies for the prevention of possible discriminatory actions, thus preventing the new regulation from being reduced to the establishment of a court action. In addition, it is necessary for the law to be implemented in all the public services of the government, and for these services to directly guarantee its dissemination and compliance by supporting civil society organizations.

170. The shortcomings of the Anti-Discrimination Law are also observed in its procedural aspects, since it does not establish any regulation that favors the victim during the procedure by reversing the burden of proof. Indeed, the recognition of certain suspicious categories in Article 2 of the law is not supplemented by a legal rule that allows the court to accredit the arbitrary nature of the discriminatory action or omission if the defendant fails to prove that it is a legitimate, objective and reasonable distinction or difference.

171. Once the existence of an act or omission involving arbitrary discrimination is proven, the judge can impose the measures most appropriate in order to ensure the restoration of the rule of law. However, in the case of fines, it is expressly established that they will be of fiscal benefit and will not benefit the victim (Art. 12). As a result of the foregoing, it should be noted that the anti-discrimination law does not include compensation or repair mechanisms; the victim must initiate ordinary proceedings before a civil court for damages under the general rules.

172. In Article 2, the law establishes an ample justifying motive when the discrimination is based on the exercise of other fundamental rights “*or another constitutionally legitimate cause.*” This section, which considers reasonable the distinctions, exclusions or restrictions that are justified in the legitimate exercise of another fundamental right, should be removed. This standard allows for the justification of arbitrary discrimination and has been widely criticized by social organizations and the INDH (2012).

173. Additionally, there is a draft law in congressional debate that recognizes and protects the right to gender identity, which the Senate passed in January 2014. It aims to protect the rights of transgender people, especially their right to be recognized, identified and treated according to their gender identity. It defines a legal procedure to rectify birth certificates and to carry out name and sex changes on identity documents without requiring tests or treatments of any kind.

174. There is an urgent need to establish and strengthen a culture of discrimination prevention, starting in schools. The Ministry of Education's public policies on diversity are deficient. For example, Law No. 20,501 on quality and equity of education does not directly address bullying based on sexual orientation, gender identity or disability. Also, there are no policies within educational establishments aimed at preventing teen suicide as a result of bullying, and there are even still remnants of homosexuality as a mental disorder in some sex education plans offered by non-state organizations in schools across the country.

175. In its concluding observations, the Committee recommended that the state "accelerate the Senate's adoption of the law repealing 'joint marital property' as a legal system and replacing it with one of 'community property'" (paragraph 17).

176. In this regard, paragraphs 27 and 28 of the State's periodic report describe the legislative process of the draft law amending the joint marital property system.<sup>54</sup>

177. The joint marital property reform, promised by the State of Chile and recommended by international agencies, is still pending. Joint marital property is the default legal property system, i.e. one that applies to all marriages that are not expressly regulated by another alternative system - such as separate property or participation in community property - and discriminates against women in the exercise of their rights.<sup>55</sup>

178. In the joint marital property system, the husband holds exclusive responsibility of property. The husband is defined by law as the sole owner and administrator of social goods, and he is also recognized as the administrator of the wife's property, with some limitations established in terms of larger legal acts. Under this system, women have no rights regarding assets and are legally incapacitated to administer their own property, that is, property owned before marriage and property acquired gratuitously during the marriage; they are subordinate to the husband simply because they are women.<sup>56</sup>

179. Since this is a discrimination based solely on the sex of the persons in question and expressly stated in the law, the State of Chile has received numerous criticisms from international organizations for breach of its obligations to ensure equal rights to all persons without discrimination. In 1999 the Human Rights Committee and the Committee on the Elimination of Discrimination against Women (hereinafter CEDAW) recommended amending the marriage laws that discriminate against women by preventing the full exercise of their rights. After several years without progress, CEDAW in 2006 and the Human Rights Committee in 2007 again reiterated their recommendations.<sup>57</sup>

180. The State of Chile pledged to the Inter-American Commission of Human Rights to repeal the regulations that discriminate against women and to adapt internal legislation to the human rights standards established in international treaties, particularly with regard to the principles of equality and non-discrimination. This is under the framework of the amicable solution agreement signed in 2007 to end the proceedings brought against the State in 2001, specifically for keeping in effect a discriminatory matrimonial system that goes against international obligations.<sup>58</sup> In 2009, meanwhile, the state reiterated the provision in which it pledged before the Human Rights Council of the United Nations "*to reform the joint marital property system to comply with different international obligations.*"<sup>59,60</sup>

181. Given the considerable delay of the pledged legal reform, in 2012 the CEDAW Committee reiterated its concern about the effect of laws that discriminate against women, recommending the acceleration of the legislative debate to reform the matrimonial property system, ensuring that it guarantees equal rights of men and women during and after its dissolution, and that women receive information to allow them to make an informed decision.<sup>61</sup>

182. Notwithstanding the foregoing, the Chilean congress has inexplicably delayed the debate on the joint marital property system reform. Currently under debate is a draft law that combines various initiatives (Presidential Message and Congressional Motions). The draft law aims at ending the discrimination against women expressly established in the legislation, establishing equality of rights between spouses and eliminating regulations that prevent married women under the joint marital property system from exercising their rights. The draft law was passed by the House of Representatives in March 2013 and sent to the Senate, but was not discussed by the Committee on Constitution, Legislation, Justice and Regulation - the committee responsible for studying it - despite the urgency that the government assigned it.

183. It is troubling to observe a new reform project of joint marital property that was widely analyzed by the House of Representatives become paralyzed in the Senate, compromising the rights of Chilean women and the international responsibility of the State of Chile.<sup>62</sup>

184. With respect to laws that are discriminatory towards immigrants, there exists the law that states that in companies with more than 25 workers at least 85% must be of Chilean nationality.

**185. Recommendations:**

- a) **Fix the pension calculation system used by pension fund administrators (AFPs) that uses life expectancy tables differentiated by sex, punishing women for living longer than men.**
- b) **Incorporate into the legislation the government's function of promotion, prevention and protection of diversity (social, sexual and functional) in society.**
- c) **Recognize and establish the principle of deference in preventive action against discrimination.**
- d) **Amend the anti-discrimination law to incorporate reparation for the victim, allowing the victim to sue in the courts for reparation once the discrimination is legally declared.**
- e) **Create an institutional framework to comply with the broad objectives of the anti-discrimination law, supporting victims by providing legal assistance.**
- f) **Promote congressional discussion of the enactment of the draft law that defines the crime of inciting racial and religious hatred.**
- g) **Revise the Law against Discrimination and introduce the categories of direct, indirect, multiple or aggravated, de facto and de jure, structural and historical discrimination, in accordance with international human rights law. Remove any possibility that in certain cases there may be legitimate arbitrary discrimination based on the exercise of other rights.**
- h) **Expressly introduce in the law against discrimination and other legal instruments the possibility of issuing temporary special measures**

**(affirmative action) in order to remedy structural discrimination, which can be strengthened if the person affected pertains to multiple categories.**

- i) Introduce the definitions established by Treaty Bodies and International Courts for sexual orientation and gender identity terms, and clarify other terms contained in the law against discrimination, using the practices and standards of international human rights law.**
- j) Legislate on the most appropriate institutional framework for compliance with the obligation to respect, protect and guarantee the right to equality and non-discrimination.**
- k) Accelerate the legislative debate on reform of the matrimonial property system, ensuring that equal rights for men and women are guaranteed during marriage and after its dissolution, removing the joint marital property system from domestic law.**

---

<sup>1</sup> Journal of Laws No. 5324-07 and No. 5522-07, consolidated.

<sup>2</sup> Law No. 20,573 on constitutional reform of special territories of Easter Island and the Juan Fernández Archipelago published in the Official Journal on March 6, 2012 (Journal of Laws No. 6756-07).

<sup>3</sup> Message No. 1487-357 of the President of the Republic, which initiates a constitutional reform bill amending Article 126 bis of the Political Constitution on the special territories of Easter Island and the Juan Fernández Archipelago, October 28, 2009 (Journal of Laws No. 6756-07).

<sup>4</sup> Draft law amending, in the area of aquatic resources sustainability, access to industrial and artisan fishery activity and regulations for investigation and oversight, general fishery and aquaculture law contained in Law No. 18,892 and its amendments, message presented by former President Sebastián Piñera to the House of Representatives, December 14, 2011 (Journal of Laws No. 8091-21). Republic of Chile, Law No. 20,657 amends in the area of aquatic resources sustainability access to industrial and artisan fishery activity and regulations for investigation and oversight, general fishery and aquaculture law contained in Law No. 18,892 and its amendments published in the Official Journal on February 9, 2013.

<sup>5</sup> Request submitted by a group of senators representing more than a quarter of the acting members of the Senate to declare the unconstitutionality of Article 1 numerals 20, 3, letter c) and 48 of the draft law “amending in the area of aquatic resources sustainability access to industrial and artisan fishery activity and regulations for investigation and oversight the general fishery and aquaculture law contained in Law No. 18,892 and its amendments” contained in Journal of Laws No. 8091-21, December 20, 2012, case No. 2387-12 (accumulated with case No. 2388-12).

<sup>6</sup> Requirement of a group of representatives representing more than a quarter of the acting members of the House of Representatives to declare the unconstitutionality of Article 1 numeral 20, letter c), number 3 and number 48 of the general fishery and aquaculture draft law contained in Law No. 18,892 and its amendments, included in the Journal of Laws No. 8091-21, December 21, 2012, case No. 2388-12 (accumulated with case No. 2387-12).

<sup>7</sup> On January 23, 2013, the Constitutional Court ruled regarding the declarations of unconstitutionality submitted by the senators and representatives, rejecting them (Constitutional Court, January 23, 2013, Cases No. 2387-12 CPT and 2388-12 CPT accumulated).

<sup>8</sup> Message No. 201-360 of the President of the Republic initiating a draft law regulating the electric highway, August 30, 2012. Draft law regulating the electric highway, message presented by President Sebastián Piñera before the Senate, September 4, 2012, sent to the Committee on Mining and Energy (Journal of Laws No. 8566-08).

<sup>9</sup> Message No. 062-360 of the President of the Republic which begins the forestry promotion draft law that amends and extends DL No. 701, September, 28 2012. Forestry promotion draft law that amends and extends DL No. 701, message submitted by the President of the Republic Sebastián Piñera to the House of Representatives, October 2, 2012, sent to the Committee on Agriculture, Forestry and Rural Development (Journal of Laws No. 8603-01).

<sup>10</sup> In accordance with the Human Rights Observatory of the Institute of Social Science Research (ICSO) of the Universidad Diego Portales, of a total of 3,216 victims recognized by the State of Chile, in February 2012 there were active court cases involving 2,081 persons (64.7%), concluded court cases involving 305 people

---

(9.5%) and no court case for 830 people (25.8%). At <http://www.icsoc.cl/observatorio-derechos-humanos/cifras-causas-case-statistics/> (accessed: May 2014)

<sup>11</sup> In September 2012, 67 government agents were serving sentences, 15 of whom enjoy the benefit of freedom on the weekends or on Sundays. According to information provided by the Working Group on Enforced or Involuntary Disappearances, 173 officers convicted in a final sentence of serious violations of human rights never actually served prison sentences. NATIONAL INSTITUTE OF HUMAN RIGHTS (INSTITUTO NACIONAL DE DERECHOS HUMANOS). *Informe Anual 2012 sobre Derechos Humanos en Chile (2012 Annual Report on Human Rights in Chile)*, page 284. At: <http://www.indh.cl/informe2012/Informe%20INDH%202012%20Capitulo%206.pdf> (accessed: May 2014).

<sup>12</sup> The Human Rights Program of the Ministry of Interior and Public Security is the main state organ that provides social and legal assistance to the families of victims of enforced disappearance and extrajudicial execution (see: <http://www.ddhh.gov.cl/>). Based on Law No. 20,405, which created the National Institute of Human Rights, it is empowered to “exercise all legal actions necessary, including submitting lawsuits regarding the crimes of kidnapping or forced disappearance, and homicide or summary execution” (Law No. 20,405, Transitory Art. 10), having filed 151 lawsuits in 2010, 295 in 2011 and 55 in 2012 as of September. NATIONAL INSTITUTE OF HUMAN RIGHTS. *Informe Anual 2012 sobre Derechos Humanos en Chile (2012 Annual Report on Human Rights in Chile)*, pages 285 and 286. In: <http://www.indh.cl/informe2012/Informe%20INDH%202012%20Capitulo%206.pdf> (accessed: May 2014).

<sup>13</sup> CENTER FOR HUMAN RIGHTS OF THE UNIVERSIDAD DIEGO PORTALES. *Informe Anual sobre Derechos Humanos en Chile 2012 (2012 Annual Report on Human Rights in Chile)*, Chapter: Verdad, Justicia y Memoria: Violaciones de Derechos Humanos del Pasado (Truth, Justice and Memory: Human Rights Violations in the Past), pages 17 to 48. At: <http://www.derechoshumanos.udp.cl/wp-content/uploads/2012/11/1-verdad-justicia-y-memoria.pdf> (accessed: May 2014)

<sup>14</sup> IACHR Court. *Case of Almonacid Arellano et al v. Chile*. Preliminary Objections, Merits, Reparations and Costs. Sentence September 26, 2006. Series C No. 154; Committee against Torture, CAT/C/CHL/CO/5, Paragraph 12; Human Rights Committee, CCPR/C/CHL/CO/5, Paragraph 5.

<sup>15</sup> The draft law declaring the nullity of Decree Law No. 2191 of 1978, motion submitted by senators, April 21, 2006, did not advance in processing and was shelved for lack of legislative debate on March 15, 2010 (Journal of Laws No. 4162-07). The draft law establishing interpretive law that adjusts Chilean criminal law to international human rights treaties, motion submitted by representatives, March 31, 2009, was approved by a majority in the House of Representatives on May 6, 2009 but has not been discussed in the Senate (Journal of Laws No. 6422-07). On May 23, 2012 senators presented a draft law interpreting Article 93 of the Penal Code, which has also not been discussed and does not have legislative urgency (Journal of Laws No. 8325-07).

<sup>16</sup> Draft law creating the Undersecretary of Human Rights and establishing adjustments to the Organic Law of the Ministry of Justice (Journal of Laws No. 8207-07).

<sup>17</sup> Journal of Laws 8911-18.

<sup>18</sup> Official Inter-American Court of Human Rights summary available in Spanish at [http://www.corteidh.or.cr/docs/casos/articulos/resumen\\_239\\_esp.pdf](http://www.corteidh.or.cr/docs/casos/articulos/resumen_239_esp.pdf)

<sup>19</sup> On May 7, 2013 a draft law that recognizes and protects gender identity was submitted. It was written by the Organization of Transsexuals for the Dignity of Diversity (*Organización de Transexuales por la Dignidad de la Diversidad* - OTD) and supported by senators, who entered it for processing. However it has not yet been debated (Journal of Laws No. 8924-07).

<sup>20</sup> This article states: “Those who in any way offend modesty or decency via serious acts of scandal or gravity, not specifically covered in other articles of this code, shall suffer the penalty of short-term imprisonment in minimum to medium degrees.”

<sup>21</sup> CONGRESSIONAL WATCH (*OBSERVATORIO PARLAMENTARIO*) (2014), Balance of the legislative power (*Balance al poder legislativo*) 2010-2013 period, Corporación Humanas, Center of Human Rights of the Universidad Diego Portales, Center for the Study of Women (CEM), Corporación Opción, Citizen Watch (*Observatorio Ciudadano*), in collaboration with Amnesty International, p.44. Available at [www.humanas.cl](http://www.humanas.cl)

<sup>22</sup> As established in Article 363 of the Penal Code on the subject of statutory rape and in Article 366 of the Penal Code on the subject of sexual abuse.

<sup>23</sup> Ruling case 1683-1610, dated April 13, 2010, issued by the First Chamber of the Constitutional Court.

<sup>24</sup> Stipulated in Article 203 of the Labor Code that establishes the requirement of having daycare (or alternatively, covering the cost of the service) in companies, industrial establishments and services of over 20 workers.

---

<sup>25</sup> CASEN Survey 2009.

<sup>26</sup> Law No. 20,066, published in the Official Journal of the Republic of Chile, Santiago, Chile, October 7, 2005.

<sup>27</sup> Article 5 of Law 20,066, the domestic violence law. It shall consist of all domestic violence abuse that affects the life or physical or mental integrity of a person who is or has been the spouse of the offender or in a co-habiting relationship with the offender; or is related by blood or marriage in the direct line or the collateral line to the third degree of the offender or the offender's current spouse or cohabitant.

Domestic violence also occurs when the conduct referred to in the preceding paragraph occurs between the parents of a common child, or falls on a minor, elderly or disabled person who is under the care of any of the household members.

<sup>28</sup> Art. 342 Whoever maliciously causes an abortion shall be punished:

1. with the penalty of imprisonment in its minimum degree, if violence is pursued in the person of the pregnant woman.

2. With imprisonment in its maximum degree, if it is done without the woman's consent, even if not exercised.

3. with imprisonment in its medium degree, if the woman consents.

Art. 343. Whoever violently thereby causes an abortion shall be punished by imprisonment in its minimum to medium degrees, even if there was no intention to cause it, as long as the pregnancy status of the woman is clear or known to the perpetrator.

Art. 344. A woman who causes an abortion or consents to having another person cause it shall be punished by imprisonment in the maximum degree.

If the person does so to conceal her dishonor, the person shall incur the penalty of imprisonment in its medium degree.

Art. 345. The practitioner who, abusing his or her office, causes or cooperates in an abortion, will incur the penalties prescribed in Article 342 respectively, increased to a degree

<sup>29</sup> CORPORACIÓN HUMANAS, Novena Encuesta Nacional "Percepciones de las Mujeres sobre su situación y condiciones de vida en Chile 2013," October 2013.

<sup>30</sup> Misoprostol is a drug for the treatment of gastric ulcers that causes uterine contractions and thus interrupts gestation.

<sup>31</sup> The circular specifically establishes that "even though abortion is illegal and constitutes a criminal offense under Chilean law (Art. 342 of the Penal Code), it is not appropriate to extract confessions from women seeking medical care for abortion, especially when these confessions are required as a condition for the healthcare provision required, as this violates the aforementioned Article 15 of the Convention against Torture," Ministry of Public Health, Ordinary Official Letter A15/1675, April 24, 2009.

<sup>32</sup> Ministry of Health, Orientaciones técnicas para la atención integral de mujeres que presentan un aborto y otras pérdidas reproductivas (Technical guidelines for the comprehensive care of women who have an abortion and other reproductive losses), Santiago, 2011, p. 9.

<sup>33</sup> One case that especially illustrates this point is the case recently made well known through the media of a 17-year-old girl who went the Hospital Luis Tisné with severe bleeding due to an abortion most likely performed at home. One of the doctors on duty reported the situation to the district police station, who went to the home of the girl to confiscate potential evidence. She was severely criminalized by the media, which revealed her full name and home address, despite the fact that she was underage.

<sup>34</sup> Article 150 A. A public employee who applies to a person deprived of liberty unlawful torment or physical or mental coercion, or orders or consents to its application, shall be punished with the penalties of imprisonment or minor imprisonment in the medium and maximum degrees and the corresponding ancillary penalty.

The same penalties, reduced by a degree, apply to public employees who, knowing of the occurrence of the acts described in the preceding paragraph, do not impede them or stop them, having the power or authority necessary to do so.

If using some of the acts described in paragraph one a public employee forces the victim or a third party to make a confession, make any statement or give any information, the penalty shall be imprisonment or lesser incarceration in the maximum degree to imprisonment or long-term incarceration in the minimum degree and the corresponding ancillary penalty.

If the performance of the acts described in this article results in any of the injuries listed in Article 397 or the death of the detainee, provided that the result is attributable to negligence or recklessness of a public employee, the penalty shall be imprisonment or long-term incarceration in the minimum to medium degree and perpetual disqualification.

- <sup>35</sup> The draft law was admitted on September 15, 2009, and was shelved on March 14, 2014 after more than two years without movement. [http://www.camara.cl/pley/pley\\_detalle.aspx?prmID=7093&prmBL=6702-07](http://www.camara.cl/pley/pley_detalle.aspx?prmID=7093&prmBL=6702-07)
- <sup>36</sup> Act 81-2010, June 01, 2010. Online: [http://www.poderjudicial.cl/PDF/Prensa\\_Com/CuentaPublica/discurso2011/6.1.32.pdf](http://www.poderjudicial.cl/PDF/Prensa_Com/CuentaPublica/discurso2011/6.1.32.pdf) [Accessed: April 16, 2013].
- <sup>37</sup> NATIONAL INSTITUTE OF HUMAN RIGHTS. Annual Report “Situación de los Derechos Humanos en Chile 2011 (Human Rights Situation in Chile 2011).” [Online] Available at: <http://www.indh.cl/informe-anual-2011-de-derechos-humanos-en-chile>. Informe Anual “Situación de los Derechos Humanos en Chile 2012 (Human Rights Situation in Chile 2011).” [Online] Available at: <http://www.indh.cl/informe2012/Inf%20Anual%20INDH12%20WEB.pdf> [Accessed on April 17, 2013]
- <sup>38</sup> [Online] <http://www.indh.cl/wp-content/uploads/2014/01/Resumen-Estudio-Exploratorio-Violencia-Mapuche.pdf> [accessed April 13, 2014].
- <sup>39</sup> Request for access to public information from the Public Prosecutor 173/2013, submitted on May 27, 2013.
- <sup>40</sup> According to preliminary figures from the country’s latest population census.
- <sup>41</sup> See Thesis INDH/2013 “Análisis del Significado de las Ocupaciones Atribuidas a Ser Mujer y Madre para un Grupo de Mujeres con Discapacidad Intelectual en la Ciudad de Punta Arenas (Analysis of the Significance of Occupations Attributed to Being a Woman and Mother for a Group of Women with Intellectual Disabilities in the city of Punta Arenas),” available at: <http://bibliotecadigital.indh.cl/handle/123456789/612>
- <sup>42</sup> INTER-AMERICAN COURT OF HUMAN RIGHTS, Atala Riffo and Daughters vs. Chile, Ruling February 24, 2012 (Merits, Reparations and Costs), Series C No. 239, Paragraphs 142, 172 and 174.
- <sup>43</sup> CONGRESSIONAL WATCH, “Balance al poder legislativo Período de 2010-2013 (Balance of legislature power 2010-2013),” Corporación Humanas, Center for Human Rights of the Universidad Diego Portales, Center for Women's Studies CEM, Corporación Opción, Citizen Watch (*Observatorio Ciudadano*), in collaboration with Amnesty International, 2014. Available at [www.humanas.cl](http://www.humanas.cl)
- <sup>44</sup> CONGRESSIONAL WATCH, 2014.
- <sup>45</sup> CONGRESSIONAL WATCH, 2014.
- <sup>46</sup> A case of two mothers who demanded recognition of their co-motherhood was brought to justice through an injunction filed with the Court of Appeals of Santiago under Case No. 18948-2013, on April 12, 2013. The allegation was that the refusal to recognize the motherhood of the mother who did not give birth constitutes an arbitrary action that violates constitutional guarantees of equal rights and non-discrimination, the right to respect and protection of private life and the honor for the person and his/her family, right to psychological integrity and rights of children. However, despite all legal requirements for filing having been strictly complied with, the application was declared inadmissible. After exhausting domestic remedies, the case was filed as individual petition to the Inter-American Commission on Human Rights and is still in the admissibility stage.
- <sup>47</sup> See <http://www.crececontigo.gob.cl/sobre-chile-crece-contigo/presentacion-del-sistema/>.
- <sup>48</sup> This figure is only 4.7% of Chile’s child-juvenile population. Source: 2013 SENAME Statistical Bulletin
- <sup>49</sup> The Committee on the Rights of the Child (*Comité de Derechos del Niño*) has recommended to the state on three occasions that it “*expeditiously complete the reform process of the Law on Minors from 1967 in order to provide comprehensive protection for all children.*”
- <sup>50</sup> Constitution of the Republic, Art.10 Those considered Chilean are: 1st. Those born in the territory of Chile, with the exception of the children of foreigners who are in Chile in the service of the government, and of the children of transient foreigners, all of whom, however, may opt for Chilean nationality...
- <sup>51</sup> Supreme Court ruling No. 7580-2012, January 22, 2013; and Supreme Court ruling No. 9168-2012, March 11, 2013.
- <sup>52</sup> CONGRESSIONAL WATCH, “Balance al Poder legislativo año 2012 (Balance of legislature power 2012)” Available at [www.humanas.cl](http://www.humanas.cl)
- <sup>53</sup> CENDA. Riesco, Manuel; Díaz, Estrella; Durán, Francisco; Secondo, Donata. Report “Cómo el sistema de AFP discrimina a las mujeres chilenas y cómo corregirlo (How the AFP system discriminates against Chilean women and how to fix it).” February 2011.
- <sup>54</sup> Bulletin N° 7567-07
- <sup>55</sup> CONGRESSIONAL WATCH, 2014.
- <sup>56</sup> CONGRESSIONAL WATCH, 2014
- <sup>57</sup> CONGRESSIONAL WATCH, 2014
- <sup>58</sup> INTER-AMERICAN COMMISSION ON HUMAN RIGHTS, “Sonia Arce Esparza against the State of Chile,” Amicable Solution Agreement, Case N° 12,433, published in the Official Journal on May 3, 2008.
- <sup>59</sup> HUMAN RIGHTS COUNCIL, Universal Periodic Review Working Group Report on the Universal Periodic Review Chile, 2009, Paragraph 96 numeral 51.

---

<sup>60</sup> CONGRESSIONAL WATCH, 2014

<sup>61</sup> CONGRESSIONAL WATCH, 2014

<sup>62</sup> CONGRESSIONAL WATCH, 2014

<b>Name:</b>	<b>CENTRO REGIONAL DE DERECHOS HUMANOS Y JUSTICIA DE GÉNERO – CORPORACIÓN HUMANAS</b>
<b>Creation date:</b>	June 2004
<b>Logo</b>	
<b>Acronym</b>	CORPORACIÓN HUMANAS
<b>Address:</b>	Providencia 1244 of. 23, Providencia, Santiago.
<b>Phone number</b>	+562 2 2532128
<b>E- mail:</b>	<a href="mailto:contacto@humanas.cl">contacto@humanas.cl</a>
<b>Contact a-mail:</b>	<a href="mailto:vhurtado@humanas.cl">vhurtado@humanas.cl</a> <a href="mailto:ccarrera@humanas.cl">ccarrera@humanas.cl</a>
<b>Web site:</b>	<a href="http://www.humanas.cl">www.humanas.cl</a>
<b>Does it have ECOSOC Status</b>	Yes

<b>Name:</b>	<b>AGRUPACIÓN LÉSBICA ROMPIENDO EL SILENCIO</b>
<b>Creation date:</b>	May 14, 2002
<b>Logo</b>	 <p>AGRUPACIÓN LÉSBICA ROMPIENDO EL SILENCIO</p>
<b>Acronym</b>	Agrupación lésbica RS
<b>Address:</b>	Av. Pedro de Valdivia 2038, Providencia, Santiago.
<b>Phone number</b>	+569 9 1550763
<b>E-mail:</b>	<a href="mailto:agrupacion@rompiendoelsilencio.cl">agrupacion@rompiendoelsilencio.cl</a>
<b>Contact e-mail:</b>	<a href="mailto:directora@rompiendoelsilencio.cl">directora@rompiendoelsilencio.cl</a>
<b>Web site:</b>	<a href="http://www.rompiendoelsilencio.cl">www.rompiendoelsilencio.cl</a>
<b>Does it have ECOSOC Status</b>	No

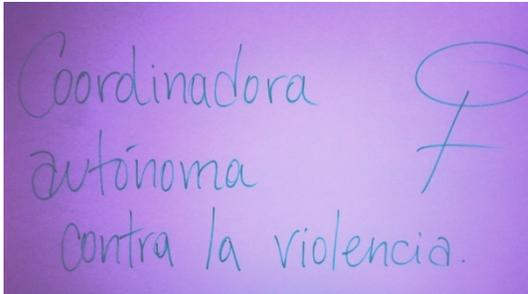
<b>Name:</b>	<b>ALDEAS INFANTILES SOS CHILE</b>
<b>Creation date:</b>	June 23, 1965
<b>Logo</b>	
<b>Acronym</b>	AISOS
<b>Address:</b>	Avenida Los Leones #382, Oficina 501, Providencia, Santiago
<b>Phone number</b>	+562 2 8798000
<b>E-mail:</b>	<a href="mailto:oficina.nacional@aldeasinfantiles.cl">oficina.nacional@aldeasinfantiles.cl</a>
<b>Contact e-mail:</b>	<a href="mailto:daniela.toro@aldeasinfantiles.cl">daniela.toro@aldeasinfantiles.cl</a>
<b>Web site:</b>	<a href="http://www.aldeasinfantilessos.cl">www.aldeasinfantilessos.cl</a>
<b>Does it have ECOSOC Status</b>	Yes

<b>Name:</b>	CENTRO DE DERECHOS HUMANOS DE LA UNIVERSIDAD DIEGO PORTALES
<b>Creation date:</b>	August, 2007
<b>Logo</b>	 <p>CENTRO DE DERECHOS HUMANOS <b>udp</b> FACULTAD DE DERECHO</p>
<b>Acronym</b>	Centro de Derechos Humanos UDP
<b>Address:</b>	República 105, Santiago, Chile.
<b>Phone number</b>	+562 2 6762609
<b>E-mail:</b>	<a href="mailto:derechoshumanos@mail.udp.cl">derechoshumanos@mail.udp.cl</a>
<b>Contact e-mail:</b>	<a href="mailto:derechoshumanos@mail.udp.cl">derechoshumanos@mail.udp.cl</a>
<b>Web site:</b>	<a href="http://www.derechoshumanos.udp.cl">www.derechoshumanos.udp.cl</a>
<b>Does it have ECOSOC Status</b>	No

<b>Name:</b>	<b>CENTRO DE ESTUDIOS DE LA MUJER</b>
<b>Creation date:</b>	May, 1984
<b>Logo</b>	 centro de estudios de la mujer
<b>Acronym</b>	CEM
<b>Address:</b>	Paseo Bulnes 120, oficina 88, Santiago.
<b>Phone number</b>	+562 2 6719418 / 2 6726143
<b>E-mail:</b>	<a href="mailto:cem@cem.cl">cem@cem.cl</a>
<b>Contact e-mail:</b>	<a href="mailto:amauro@cem.cl">amauro@cem.cl</a>
<b>Web site:</b>	<a href="http://www.cem.cl">www.cem.cl</a>
<b>Does it have ECOSOC Status</b>	No

<b>Name:</b>	<b>ONG CORPORACIÓN CODEPU</b>
<b>Creation Date:</b>	March 4, 1996
<b>Logo:</b>	
<b>Acronym:</b>	CODEPU
<b>Adress:</b>	Paseo Presidente Bulnes 188, Oficina 62, Santiago.
<b>Phone number</b>	+562 2 6988863
<b>E-mail:</b>	<a href="mailto:codepu@gmail.com">codepu@gmail.com</a>
<b>Contact e-mail:</b>	<a href="mailto:codepu@gmail.com">codepu@gmail.com</a>
<b>Web site:</b>	<a href="http://www.codepu.cl">www.codepu.cl</a>
<b>Does it have ECOSOC Status</b>	No

<b>Name:</b>	<b>FUNDACIÓN MIL TRESCIENTOS SESENTA Y SIETE</b>
<b>Creation date:</b>	August 25, 2009
<b>Logo</b>	 <p>Fundación 1367  <b>CASA MEMORIA</b>  José Domingo Cañas</p>
<b>Acronym</b>	Fundación 1367
<b>Address:</b>	José Domingo Cañas 1367, Ñuñoa, Santiago
<b>Phone number</b>	+562 2 4191278
<b>E-mail:</b>	<a href="mailto:observadoresddhh@hotmail.com">observadoresddhh@hotmail.com</a>
<b>Contact e-mail:</b>	<a href="mailto:lugarech@gmail.com">lugarech@gmail.com</a>
<b>Web site:</b>	<a href="http://www.observadoresddhh.org">www.observadoresddhh.org</a>
<b>Does it have ECOSOC Status</b>	No

<b>Name:</b>	<b>COORDINADORA AUTÓNOMA CONTRA LA VIOLENCIA</b>
<b>Creation date:</b>	May, 2012
<b>Logo</b>	 <p>The logo features the text 'Coordinadora autónoma contra la violencia.' written in a blue, cursive font on a purple rectangular background. To the right of the text is a blue symbol resembling a stylized female symbol (a circle with a vertical line and a horizontal crossbar).</p>
<b>Acronym</b>	Coordinadora Autónoma contra la Violencia
<b>Adress:</b>	
<b>Phone number</b>	+569 9 3836050
<b>E-mail:</b>	<a href="mailto:coordinadorarm@gmail.com">coordinadorarm@gmail.com</a>
<b>Contact e-mail:</b>	<a href="mailto:solmanutara@gmail.com">solmanutara@gmail.com</a>
<b>Web site:</b>	<a href="https://www.facebook.com/pages/Coordinadora-Autonomia-contra-la-Violencia/596844647089544">https://www.facebook.com/pages/Coordinadora-Autonomia-contra-la-Violencia/596844647089544</a>
<b>Does it have ECOSOC Status</b>	No

<b>Name:</b>	<b>CORPORACIÓN CHILENA DE PREVENCIÓN DEL SIDA-ACCIONGAY</b>
<b>Creation Date:</b>	July 26, 1987
<b>Logo</b>	
<b>Acronym</b>	<b>ACCIONGAY</b>
<b>Adress:</b>	San Ignacio #165, Santiago.
<b>Phone number</b>	+562 2 6720000
<b>E-mail:</b>	<a href="mailto:Comunicaciones@acciongay.cl">Comunicaciones@acciongay.cl</a>
<b>Contact e-mail:</b>	<a href="mailto:vdeliyanis@acciongay.cl">vdeliyanis@acciongay.cl</a> <a href="mailto:mbecerra@acciongay.cl">mbecerra@acciongay.cl</a>
<b>Web site:</b>	<a href="http://www.acciongay.cl">www.acciongay.cl</a>
<b>Does it have ECOSOC Status</b>	No

<b>Name:</b>	<b>CORPORACION CIRCULO EMANCIPADOR DE MUJERES Y NIÑAS CON DISCAPACIDAD DE CHILE</b>
<b>Creation date:</b>	January 18, 2013
<b>Logo</b>	
<b>Acronym</b>	CIMUNIDIS
<b>Adress:</b>	Juan Williams Noon 641, Providencia, Santiago.
<b>Phone number</b>	+569 9 7772480
<b>E-mail:</b>	<a href="mailto:cimunidis@gmail.com">cimunidis@gmail.com</a>
<b>Contact e-mail:</b>	<a href="mailto:marcela.benavides@live.cl">marcela.benavides@live.cl</a>
<b>Web site:</b>	Facebook page Circulo emancipador de mujeres y niñas con discapacidad de Chile
<b>Does it have ECOSOC Status</b>	No

<b>Name:</b>	<b>ONG.DE DESARROLLO CORPORACIÓN DE PROMOCIÓN Y APOYO A LA INFANCIA PAICABI</b>
<b>Creation date:</b>	October, 1996
<b>Logo</b>	
<b>Acronym</b>	ONG PAICABI
<b>Adress:</b>	11 Norte 967, Viña del Mar.
<b>Phone number</b>	+5632 2 881777
<b>E-mail:</b>	<a href="mailto:paicabi@paicabi.cl">paicabi@paicabi.cl</a>
<b>Contact e-mail:</b>	<a href="mailto:ivanzamora@paicabi.cl">ivanzamora@paicabi.cl</a> <a href="mailto:gestionpersonas@paicabi.cl">gestionpersonas@paicabi.cl</a>
<b>Web site:</b>	<a href="http://www.paicabi.cl">www.paicabi.cl</a>
<b>Does it have ECOSOC Status</b>	No

<b>Name:</b>	<b>CORPORACIÓN DE ESTUDIOS PARA EL DESARROLLO DE LA MUJER</b>
<b>Creation Date:</b>	January 22, 1999
<b>Logo</b>	
<b>Acronym:</b>	CEDEM
<b>Address:</b>	María Luisa Santander 0440, Providencia, Santiago.
<b>Phone number:</b>	+562 2 2046001
<b>E-mail:</b>	<a href="mailto:cedem@cedem.tie.cl">cedem@cedem.tie.cl</a>
<b>Contact e-mail:</b>	<a href="mailto:angelica.willson@cedem.cl">angelica.willson@cedem.cl</a>
<b>Web site:</b>	<a href="http://www.cedem.cl">www.cedem.cl</a>
<b>Does it have ECOSOC Status</b>	No

<b>Name:</b>	<b>CORPORACIÓN OPCION</b>
<b>Creation date:</b>	October 5, de 1990
<b>Logo</b>	
<b>Acronym:</b>	OPCION
<b>Address:</b>	Carlos Justiniano #1123, Providencia, Santiago.
<b>Phone number:</b>	+562 2 3393900
<b>E-mail:</b>	<a href="mailto:corporacion@opcion.cl">corporacion@opcion.cl</a>
<b>Contact e-mail:</b>	<a href="mailto:cdiaz@opcion.cl">cdiaz@opcion.cl</a>
<b>Web site:</b>	<a href="http://www.opcion.cl">www.opcion.cl</a>
<b>Does it have ECOSOC Status</b>	Yes

<b>Name:</b>	<b>FUNDACIÓN CONSEJO DE DEFENSA DEL NIÑO (CODENI)</b>
<b>Creation date:</b>	May 30, 1934
<b>Logo</b>	
<b>Acronym</b>	CODENI
<b>Address:</b>	Paseo Presidente Errázuriz Echaurren 2631, 5° piso, Providencia, Santiago.
<b>Phone number:</b>	+562 2 8737900
<b>E-mail:</b>	<a href="mailto:contacto@codeni.cl">contacto@codeni.cl</a>
<b>Contact e-mail:</b>	<a href="mailto:fgomez@codeni.cl">fgomez@codeni.cl</a>
<b>Web site:</b>	<a href="http://www.codeni.cl">www.codeni.cl</a>
<b>Does it have ECOSOC Status</b>	No

<b>Name:</b>	<b>FUNDACIÓN DE BENEFICENCIA HOGAR DE CRISTO</b>
<b>Creation date:</b>	October 19, 1944
<b>Logo</b>	 <p>solidaridad en acción</p>
<b>Acronym:</b>	Hogar de Cristo
<b>Address:</b>	Calle Hogar de Cristo 3812, Estación Central, Santiago.
<b>Phone number:</b>	+562 2 5409300
<b>E-mail:</b>	<a href="mailto:vmonroy@hogardecristo.cl">vmonroy@hogardecristo.cl</a>
<b>Contact e-mail:</b>	<a href="mailto:lcubillosl@hogardecristo.cl">lcubillosl@hogardecristo.cl</a>
<b>Web site:</b>	<a href="http://www.hogardecristo.cl">www.hogardecristo.cl</a>
<b>Does it have ECOSOC Status</b>	No

<b>Name:</b>	<b>FUNDACIÓN IGUALES</b>
<b>Creation date:</b>	June 6, 2011
<b>Logo</b>	
<b>Acronym</b>	IGUALES
<b>Address:</b>	General Bustamante 250, of. B, Providencia, Santiago
<b>Phone number:</b>	+562 2 8941402
<b>E-mail:</b>	<a href="mailto:comunicaciones@iguales.cl">comunicaciones@iguales.cl</a>
<b>Contact e-mail:</b>	<a href="mailto:contacto@iguales.cl">contacto@iguales.cl</a>
<b>Web site:</b>	<a href="http://www.iguales.cl">www.iguales.cl</a>
<b>Does it have ECOSOC Status</b>	No

<b>Name:</b>	<b>FUNDACIÓN INSTITUTO DE LA MUJER</b>
<b>Creation date:</b>	August 31, 1998
<b>Logo</b>	
<b>Acronym:</b>	IMU
<b>Address:</b>	Padre Luis de Valdivia 378 of. 3, Santiago
<b>Phone number:</b>	+569 8 1547605
<b>E-mail:</b>	<a href="mailto:direccion@insmujer.cl">direccion@insmujer.cl</a>
<b>Contact e-mail:</b>	<a href="mailto:glorialeal@insmujer.cl">glorialeal@insmujer.cl</a>
<b>Web site:</b>	<a href="http://www.insmujer.cl">www.insmujer.cl</a>
<b>Does it have ECOSOC Status</b>	Yes

<b>Name:</b>	<b>FUNDACIÓN MI CASA</b>
<b>Creation Date:</b>	1947
<b>Logo</b>	
<b>Acronym</b>	FMC
<b>Address:</b>	Luis Barros Valdés #775, Providencia, Santiago.
<b>Phone number</b>	+562 2 7903800
<b>E-mail:</b>	<a href="mailto:info@fundacionmicasa.cl">info@fundacionmicasa.cl</a>
<b>Contact e-mail:</b>	<a href="mailto:mlgonzalez@fundacionmicasa.cl">mlgonzalez@fundacionmicasa.cl</a>
<b>Web site:</b>	<a href="http://www.fundacionmicasa.cl">www.fundacionmicasa.cl</a>
<b>Does it have ECOSOC Status</b>	Yes

<b>Name:</b>	<b>FUNDACION OBSERVATORIO DE GENERO Y EQUIDAD</b>
<b>Creation:</b>	2006 as a grupo and since 2012 as a Foundation
<b>Logo</b>	 <p>OBSERVATORIO Género y Equidad</p>
<b>Acronym</b>	Observatorio de Género y Equidad
<b>Adress:</b>	Ricardo Cumming 169 dpto. 23, Santiago.
<b>Phone number</b>	+562 2 6716892
<b>E-mail:</b>	<a href="mailto:observatorio.genero.equidad@gmail.com">observatorio.genero.equidad@gmail.com</a>
<b>Contact e-mail:</b>	<a href="mailto:nataliafloresg@gmail.com">nataliafloresg@gmail.com</a> <a href="mailto:teresavaldes@observatoriogeneroyequidad.cl">teresavaldes@observatoriogeneroyequidad.cl</a> <a href="mailto:comandinih@gmail.com">comandinih@gmail.com</a>
<b>Web site:</b>	<a href="http://www.observatoriogeneroyequidad.cl">www.observatoriogeneroyequidad.cl</a>
<b>Does it have ECOSOC Status</b>	No

<b>Name:</b>	<b>MOVIMIENTO POR LA DIVERSIDAD SEXUAL</b>
<b>Creation date:</b>	April 02, 1996
<b>Logo:</b>	 <p>The logo consists of a semi-circular arc of seven stars in various colors (red, orange, yellow, green, blue, purple, pink) above the word 'MUMS' in large, bold, black letters. Below 'MUMS' are the letters 'C H I L E' in smaller black letters, and at the bottom, the full name 'MOVIMIENTO POR LA DIVERSIDAD SEXUAL' in black capital letters.</p>
<b>Acronym:</b>	MUMS
<b>Address:</b>	Santa Mónica #2317, Santiago.
<b>Phone number:</b>	+562 2 6714568
<b>E-mail:</b>	<a href="mailto:contacto@mums.cl">contacto@mums.cl</a>
<b>Contact e-mail:</b>	<a href="mailto:joseluisdiaz@mums.cl">joseluisdiaz@mums.cl</a>
<b>Web site:</b>	<a href="http://www.mums.cl">www.mums.cl</a>
<b>Does it have ECOSOC Status</b>	No

<b>Name:</b>	<b>ORGANIZACIÓN DE TRANSEXUALES POR LA DIGNIDAD DE LA DIVERSIDAD</b>
<b>Creation date:</b>	June 17, 2005
<b>Logo</b>	
<b>Acronym:</b>	OTD
<b>Address:</b>	Manuel de Salas # 0130 Población Manuel Rodríguez , Rancagua
<b>Phone number:</b>	+5672 2 264165 +569 8 3435589
<b>E-mail:</b>	<a href="mailto:otdcontacto@transexualesdechile.org">otdcontacto@transexualesdechile.org</a>
<b>Contact e-mail:</b>	<a href="mailto:otdcontacto@transexualesdechile.org">otdcontacto@transexualesdechile.org</a>
<b>Web site:</b>	<a href="http://www.transexualesdechile.org">www.transexualesdechile.org</a>
<b>Does it have ECOSOC Status</b>	No