



**Convention on the Elimination
of All Forms of Discrimination
against Women**

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CONSIDERATION OF REPORTS SUBMITTED BY STATES PARTIES
UNDER ARTICLE 18 OF THE CONVENTION

Initial reports of States parties

CHILE

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PERIODIC REPORT OF STATES PARTIES TO THE CONVENTION ON THE ELIMINATION
OF ALL FORMS OF DISCRIMINATION AGAINST WOMEN (ARTICLE 18)

CHILE

I. Introduction

1. In the spirit of the Charter of the United Nations, particularly in regard to the promotion and strengthening of democracy and human rights, the General Assembly in 1976 proclaimed the period 1976-1985 as the "United Nations Decade for Women: Equality, Development and Peace", so that action could be taken in all corners of the globe to eliminate discrimination of every kind and other obstacles to the recognition of the rights of women, both as individuals and as members of their sex.

2. It was precisely with this aim that the General Assembly of this supreme world body approved the "Convention on the Elimination of All Forms of Discrimination against Women" on 18 December 1979, and the appraisals and strategies which emerged from the world conferences at Copenhagen (1980) and Nairobi (1985) were worked out.

3. Chile, about to recover its historic path to democracy with the presidential and parliamentary elections of 14 December 1989, ratified the "Convention on the Elimination of All Forms of Discrimination against Women" on 9 December of the same year under Decree N-789 of the Ministry of Foreign Affairs. By that event, the new democratic Government and the people undertook, in accordance with the country's tradition of honouring treaties, to adopt the necessary measures to eliminate all impediments to the recognition of women's full rights.

II. Status of women in Chile

(a) Historical outline

4. Although Chilean women have played a prominent role in the recognition and development of the Nation-State of Chile since Independence, their efforts in the past have not received from the public administration or from society as a whole the acknowledgement befitting their status as individuals and members of their sex. ^{1/}

^{1/} See, inter alia, Julieta Kirkwood, "La Política en Chile: Las Feministas y Los Partidos", Latin American Faculty of Social Sciences (FLASCO), 1982; Sandra González and M. Isabel Norero, "Guía de Capacitación de los Derechos de la Mujer", Centre for Women's Training (CATEMU), undated; and "Soy Mujer ... Tengo Derechos", FLASCO/SEPADE, January 1991.

5. Hence, the women of Chile have since the last century been struggling to claim their rights, differentiated solely by their individual social and economic backgrounds. Thus, women of the upper and middle classes, who began - not without difficulty - to integrate themselves into public life, realized that their marginalized condition stemmed partly from a denial of their right to education. In 1854, only 10 per cent of Chilean women could read and only 8 per cent could write. This prompted them to campaign vigorously for education on a par with that of men. This struggle ultimately enabled them, in 1877, to validate their studies in further education and, as a result of these efforts, the first female lawyers and doctors graduated in 1887 from the University of Chile, to join women teachers and operatives in the labour market.

6. Concurrently with the action being taken by middle- and upper-class women, conditions of extreme poverty and exploitation in the mining sectors, particularly saltpetre, were subjecting working women to tasks which were largely an extension of the role which they had been socially and culturally assigned: "subordinated liberation". As a result, they organized soup kitchens and supported hunger strikes and movements related to wages and purchasing power.

7. Working-class women were thus "outside" the sphere of awareness taken up by feminists in the middle- and upper-class sectors, who were forming groups, clubs and circles at which the major topic of discussion was women's suffrage. 2/ By that time, English, French and North American women had secured this right by virtue of the significant role played by them in the First World War.

8. However, by the mid-1920s, the first trade-union organizations composed of women were coming into existence. In 1919, the Women's Civic Party appeared, and in the same year the National Women's Council was set up, with the support of the then radical Government, to draft a bill for women's civil and political rights.

9. Women's entitlement to vote was first evident at the 1931 municipal elections. This was, however, a restrictive right since it could only be exercised by women who owned real estate in the municipality concerned. In 1935, the Movement to Promote Women's Emancipation in Chile (MEMCH) was founded, its aim being the greater liberation of women, and in 1945 the Chilean Women's Party was formed.

10. 1949, the same year when women achieved full voting rights, saw the creation of the National Office for Women's Affairs, attached to the Presidency of the Republic, and in 1952 three important events took place: the appointment of Adriana Olgún de Baltra as the first female Minister of State in Chile - and the first also in Latin America; the election of the first woman senator, María de la Cruz; and the enactment of a legal reform restricting the powers of married men, whereby a husband could no longer sell real estate without his wife's consent.

2/ In 1884, women were expressly denied the right to vote.

11. Upon the disbandment of the MEMCH in 1953, the era of the militant woman began, with growing membership of the newly-formed female sections of the political parties. Nevertheless, the theme of women was relegated to a very secondary level in relation to global issues. Some laws which were introduced did, however, directly benefit women, such as the "Law on the Payment of Family Allowance Directly to Women", introduced in 1961.

12. With the impetus given to the modernization process during the 1960s, further social and political sectors became involved in the nation's affairs, one such sector being women. Yet, in essence, their involvement was still basically characterized by an extension and reinforcement of their domestic role and not the assertion of their rights as women and individuals. Thus it was that women's sole motivation in going out of their homes into the network of mothers' centres was to support their homes. Furthermore, although modernization meant greater coverage of the educational system, for example, it did not formally eliminate discrimination on the grounds of sex except in access to courses and curricula.

13. During this period, a bill for the reform of the Civil Code (in force since 1855) was submitted to the Senate but, owing to lack of interest among the members of parliament of the time, it has since remained in abeyance, with only slight amendments being made during the military Government (Law 18.802 of 9 July 1989).

14. In the period from 1970 to 1973, certain measures were enacted to improve the status of women, such as the Single Mother Family Allowance Act, the Kindergarten and Crèche Act and the Maternal Jurisdiction Act, in addition to the four-area work programme of the Department for Women: (a) social organizations, (b) training, (c) children's project and (d) pilot schemes. The Senate was also presented with a bill for the creation of a Ministry of the Family. However, this proposal was rejected on the pretext of requiring reformulation and/or supplementation - as a result of the climate of extreme internal ideologization then prevalent in the country.

(b) Legacy to the present Government

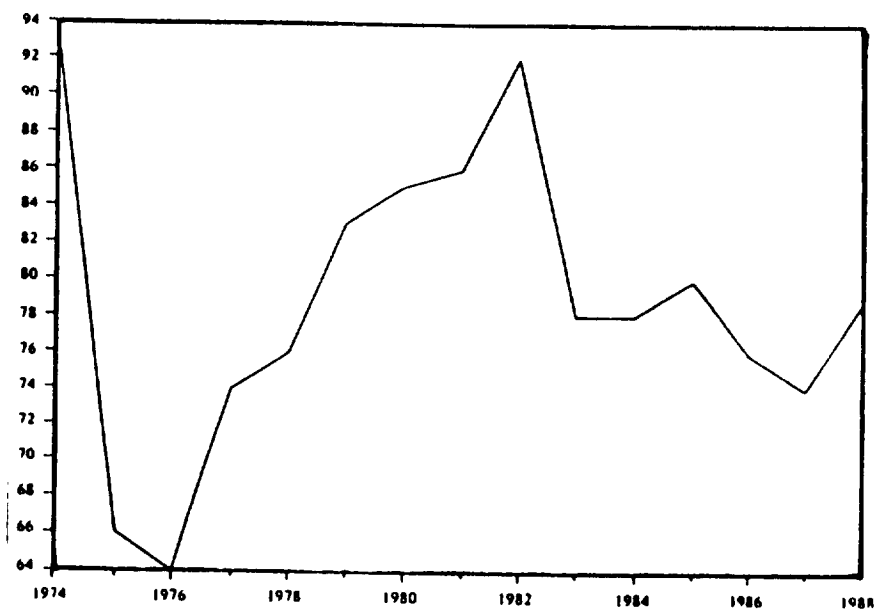
15. Despite the "achievements" made by women during the civil democracy under which the country has been ruled for most of its history, women (50.6 per cent of the national population) have remained in a subordinate position to men, particularly women who additionally suffer discrimination on account of their social background.

16. During the authoritarian regime (1973-1990), the position of women tended to deteriorate through the effects, inter alia, of three processes inherent in such a regime: (a) the predominance of a cultural pattern which favours a sexist organization of society; (b) the uncompromising imposition of a neoliberal paradigm on the economy, which, amongst other things, internally controls the "market", reduces the State, particularly its social expenditure, and exposes the labour force - resulting at times in unemployment levels ranging between 14 and 30 per cent; and (c) the institution of an authoritarian political order which debars major sectors of the nation from participation in public affairs.

17. Thus, when the new democratic Government of Patricio Aylwin took over on 11 March 1990, it faced a huge accumulated social debt in education, health, social security, housing, etc. (see table I), which, among other factors, also relates to the gender question of women and discrimination against them.

Table I

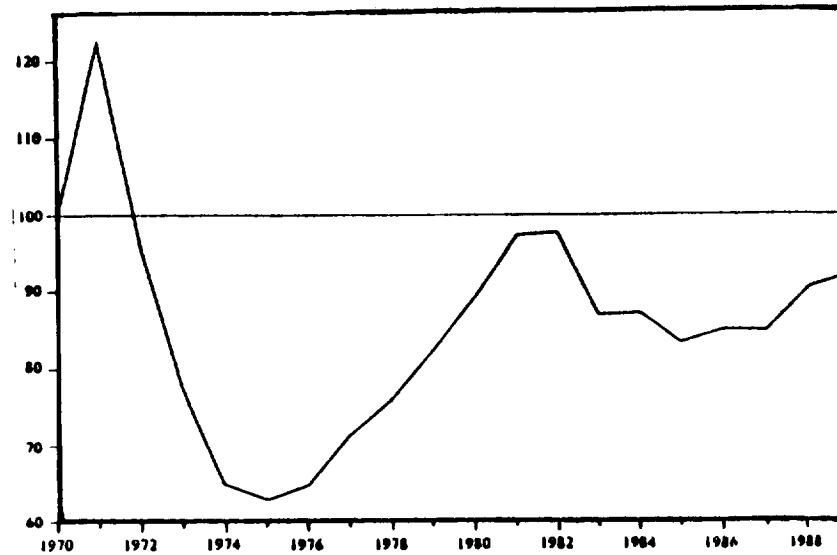
Social expenditure per capita
(1970 index = 100; source: IMF)



1. Work

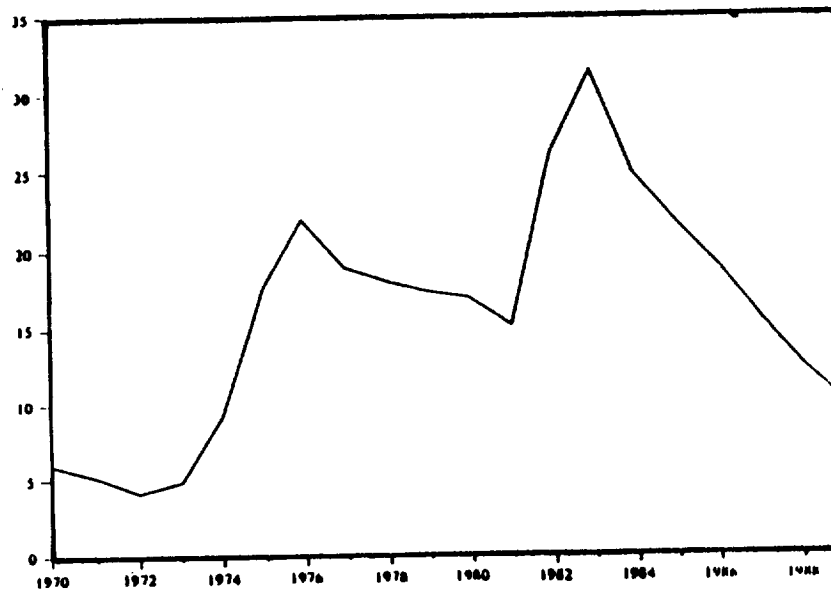
18. Available data on employment show, for example, that, in terms of labour, women accounted for 30.7 per cent of the economically active population in 1988, i.e. 1,395,159, their total recorded pay by category being 13 per cent lower than for men and their unemployment rate 2.2 per cent higher (7.8 against 5.6). This fact is particularly serious if we take account of the fall in wage levels and the increase in unemployment recorded during the former regime (see tables II and III).

Table II
Trends in real salaries
(1970 base = 100)



(Source: CIEPLAN/INE.)

Table III
Unemployment rates
(Percentages)



(Source: E. Jadresic - 1986 - CIEPLAN Mimeo and University of Chile.)

19. Of the economically active female population, 80 per cent are engaged in service-related occupations and 37.3 per cent in the public or private sector. Women thus make up almost half the country's public sector workforce and 99 per cent of its domestic service employees. Furthermore, it was apparent as early as 1982 that employment in the informal labour market was weighted more heavily towards women than men: 35.4 per cent of economically active females and 18.1 per cent of economically active males.

20. Of the 3,107,843 Chilean households recorded in 1989, 625,682 were headed by women, i.e. 21 per cent. About two thirds of these households are to be found within the lower social strata: 22.5 per cent needy, 21.8 per cent non-poor and 20.2 per cent non-needy poor. Thus, out of the country's 2,451,000 needy, 447,252 live in households headed by women, i.e. 4.93 [per household] spread over 90,738 households.

21. Of the total female household heads, whose average age is 54 compared with 46 for men, 88.3 per cent have no partner and one in every four has had three years of schooling or less. With regard to income, which is mostly derived from informal occupations, it should be pointed out that women heads of household earn half of what men receive for the same work: 24,971 pesos as against 50,465 pesos. In 1985, there were 21,300 unemployed female household heads in urban areas, and 73,000 women were long-term unemployed.

22. From the above brief details - in addition to others not mentioned here relating to the family and the status of the housewife - the root causes can be summarized as follows: multiplicity of roles, dual working day (records for 1985 show that women in Greater Santiago working a full day also devoted 33 hours to household duties, making a weekly total of 81 hours ^{3/}), segregation of the sexes, poor working conditions, difficulties in obtaining employment for the first time, inadequate income, unemployment, etc.

2. The family

23. The woman-family relationship, which constitutes a further facet of women's subordinated status, can be viewed from at least four angles: (a) socio-economic level; (b) family structure; (c) relationship type; and (d) life cycle.

24. The occupational breakdown in the 1982 census, which is linked to family income and determines families' degree of access to necessary goods and services, was as follows: managers, directors and professionals: 10.1 per cent; office employees and salespeople: 20 per cent; unskilled workers, operatives, handicraftworkers and vehicle drivers: 31.8 per cent; farmers, hunters and fishers: 17.4 per cent; casual employment and non-specified occupations: 20.7 per cent.

^{3/} Lucía Pardo, "El Impacto Socioeconómico de la Labor de la Mujer", Institute of Political Sciences of the University of Chile, 1985.

25. According to UNICEF data for 1989, a high percentage of Chilean families fail to cover their minimum needs (between 12.4 per cent and 36 per cent, according to the indicators used), a fact which represents a source of daily worry and insecurity for a woman, who has to discover ingenious ways of maximizing her meagre resources in order to meet her family's and her own basic needs. Particularly revealing in this connection is a survey conducted by the National Statistical Institute (INE) on family budgets in Greater Santiago (see table IV), a phenomenon which tends to be more pronounced in the provinces.

Table IV

Consumer distribution by household in Greater Santiago
(in percentages)

Metropolitan districts	1969	1978	1988
I	7.7	5.2	4.4
II	11.8	9.3	8.2
III	15.6	13.6	12.7
IV	20.6	21.0	20.1
V	44.5	51.0	54.6

(Source: INE)

26. In the social sector affected, the performance of household duties depends on the health of the woman, who, should she fall ill, will have no domestic help to look after her children or her home. Also, many such women have no social security, which means that, in addition to the loss of basic and/or additional income, they are also subject to long waiting periods for medical treatment. Furthermore, in the outlying districts, they are bereft of physical protection for themselves, their families and their belongings.

27. As regards family composition, it should be pointed out that 65 per cent of women are married or live with a partner and devote themselves solely to domestic and family duties. Of the women defined as heads of households, as referred to above, the majority are impoverished, live alone and are old. For women who fulfil the head-of-household role and also have an unemployed or disabled spouse, their situation is made worse through marital tension and resentment towards their partner, whom they look upon as a burden.

28. The major problems in relationships between partners continue to stem from a cultural conception which asserts male superiority and debases domestic roles. In the poorest sectors, this phenomenon is reflected in problems of non-communication between partners, violence against the woman, extreme loneliness of the woman, coping with sexual repression, sexual relations devoid of affection, sexual promiscuity in situations of overcrowding, etc.

29. In the middle and upper classes, although there has been some evidence of a shift towards a sharing of the sex roles, there are still problems of non-communication, lack of affection and domestic violence. However, these particular sectors resort with greater frequency to separation, with its attendant psychological and social cost.

30. Furthermore, the number of children per woman has fallen in Chile, according to various socio-economic evaluations, and for 1986 is estimated at 2.5. In addition to birth control, which is practised particularly among the middle and upper classes, an estimated 150,000 unauthorized abortions are carried out each year in the country, i.e. approximately 36 per cent of all children conceived. Women most prone to have abortions are those in the lower social strata with little education, women under 16 and over 36, women with unexpected pregnancies and women who have had obstetrical and/or confinement difficulties.

31. With regard to children, particularly in the poorest social strata, it is the woman who is responsible for their upbringing and care, without adequate social or individual support, and it is the father who exercises the role of authority and who tends to blame the woman for any problems arising in this area. Children are thus subject to educational standards which are inconsistent with a well-balanced development - corporal punishment, little expression of affection or help, authoritarianism, etc.

32. Two highly exposed groups of women within the life cycle are young working-class females and the elderly. With regard to the former, it should be pointed out that a lack of all-round preparation for assuming roles in adult life has meant that the procreative function has become disassociated from the sexual act, with the occurrence of a large number of adolescent pregnancies, resulting in single mothers, abortions or forced marriages. In 1987, 58.2 per cent of births to women under the age of 20 were illegitimate. As regards the elderly, this category is still associated in Chilean culture with physical and intellectual difficulties and consequently with the image of a burden. The predominance of the nuclear family in recent Chilean society has caused this sector of the population to suffer loneliness, disesteem and neglect. This phenomenon is particularly pronounced in the case of women who have devoted most of their lives to household duties and are surviving on low widow's pensions.

3. Culture and participation

33. Although women have tended to be integrated into the artistic, educational and communicational areas of cultural life, sexist values still predominate in these spheres.

34. It should first be pointed out in this regard that the stereotyped concepts of the gender roles are assimilated by children at an early age through the family and through basic upbringing. Indeed, a study made of school textbooks used in Chile and other countries has revealed several instances of discrimination against women: in adventure stories, 70 per cent of the main characters are men, whereas women are assigned passive roles. Hence, males are more closely linked to textbook content (74 per cent), whether through illustrations or narrative. They are also given more expressive traits, whereas females are portrayed as timid or gentle

characters. In spatial terms, the home is an essentially a female sphere (57 per cent), whilst school is masculine (70 per cent), thereby reinforcing men's intellectual and world-based areas and roles and women's subordinated and home-based areas and roles.

35. It is no coincidence therefore that, in face of this hierarchical system of gender roles, 75 per cent of Chilean women choose to devote themselves to domestic duties (1988 data) and, of those women who continue their studies at higher levels, more than 40 per cent choose the field of education (women account for 70 per cent of the country's present-day teaching body), compared with 46 per cent of men who opt for technological courses. It should also be stressed that the advanced courses of study mainly chosen by women cost about the same as other courses, yet socially their rewards are far lower.

36. In the area of culture, the situation with regard to the status of women is no better. Here, aspects of dual discrimination are in evidence: (a) socio-economic levels, reflected in the social standing of the "cultured" and the "uncultured", i.e. universal élite culture versus popular culture; and (b) roles assigned to women in mass culture, particularly in image form, where there is a predominance of traditional, subordinate and essentially passive roles (e.g. housewife and mother) and/or consumer roles (e.g. decorative and sexual objects).

37. Although the degree and quality of women's social involvement in the public sphere has been increasing, it is still generally characterized by passivity, undervaluation and subordination. For example, in the 1989 presidential and parliamentary elections, out of a total of 6,978,000 voters, the female vote was more than 50 per cent, at 3,631,514. However, women won only a small percentage of the senior posts being competed for: seven out of 120 deputies (5.8 per cent), two out of 38 senators (5.2 per cent), one out of nine appointed senators, one out of 21 Ministers of State, three out of 24 Under-Secretaries of State and 0 out of 13 regional Intendants (Regional governors).

4. Legislation

38. In addition to the setbacks suffered by wage-earners, particularly women, in regard to their employment rights under the last Government, a number of precepts which are detrimental to women's rights still exist within the country's civil and penal laws.

39. For example, although Law 18.802 of 9 July 1989 introduced certain detailed amendments, it left unaltered the underlying problem of the legal capacity of married women within the normal system of marriage, and reasserted a relative incapacity. In other words, the general marital property system continues to be the joint estate, and the sole administrator of the joint property and of the wife's own property is still the husband. The law also stipulates that, if a wife exceptionally administers the joint estate, she must then seek authorization from the courts in order to perform acts for which the husband had to obtain his wife's authorization. In addition, parental authority is not shared; it may be exercised by the mother solely in substitution of the father and, in order to do so, a mother must first be granted guardianship by the courts, etc.

40. With regard to the Penal Code, mention should be made of the discrimination - differing assessments and punishments for marital infidelity - between the offence of adultery applying to women and that of concubinage applying to men.

41. Furthermore, in penal legislation the crime of abuse does not apply to assaults on women. Such assaults are in fact considered to be "offences of private conduct" and are punishable as cases of injury. If there is violence between husband and wife, the crime of assault carries a heavier penalty related to kinship, as laid down in article 13 of the Penal Code. However, this kinship variable does not apply to cohabiting partners, a widespread practice among the working classes.

42. It is a known fact that, in Chile, acts of this kind - assaults on women - are a common daily occurrence throughout all socio-economic strata. However, of the cases reaching the courts, police stations or accident emergency units, the number actually tried is minimal and, of the women who report such cases, very few persist with their complaint. Ignorance of the law and how to have it upheld, financial dependence, the lack of a place to stay, children, fear and guilt feelings, the complex judicial formalities and indolence on the part of those who conduct medical and psychological examinations ultimately discourage women from pressing charges of abuse. ^{4/}

III. Proposals and main action of the Government

1. Alliance Government programme

43. The programmatic bases of the Alliance of Parties for Democracy (CPD) - the current Government programme - in adopting the indivisible trilogy of human rights, democracy and sustained development with equity to face the nation's future, favour the full integration of women. Indeed, point 7 of this programme states: "in the implementation of social policies, particularly with regard to education, health, creation of employment, equality before the law, improved quality of life, access to culture and generally the attainment of greater equity, we shall give priority to positive action in favour of women".

^{4/} For a better understanding of the reality of Chilean women today, see, *inter alia*: María Eugenia Hirmas and Enrique Gomáriz, "La Situación de la Mujer en Cifras", SERNAM Department of Communications, 1990; Teresa Valdés and Enrique Gomáriz, "Chile: Factores Demográficos" and "Chile: Trabajo", in *Mujeres Latinoamericanas en Cifras: Avances de Investigación*, FLASCO, June 1991; Mariana Schkolnik, "Chile: Impacto del Gasto Social en los Hogares con Jefatura Femenina", PREALC Working Document (draft), May 1991; "Tramos Para un Nuevo Destino", proposals of the Women's Alliance for Democracy, 1989; "Existe Vocación Política de la Mujer", Participa 1990.

44. To achieve this objective, the full political spectrum represented in the present Government voted for the creation, at the highest level, of a "National Office for Women's Affairs", whose aims - in association with the other divisions of the State - would be to deal with the specific issues of women and the various forms of discrimination still affecting them.

45. In addition to reinforcing the equality of women (through a revision of existing civil, penal, procedural and employment legislation) and the family as a basic nucleus, this programme of short-term and mid-term objectives also enumerated a series of specific measures:

- To foster greater participation of women in the world of work, under conditions designed to combat discrimination on the grounds of sex in access to employment and wage-earning;
- Priority access of women (particularly young women) to temporary employment programmes;
- Wider coverage of crèches and kindergartens, in order to develop and facilitate women's freedom to work outside the home;
- Legal protection and incentives to facilitate part-time and temporary work for women;
- Encouragement of family education, sex education and responsible parenthood programmes to prevent adolescent pregnancies and abortions;
- Support for women in the areas of urban development, housing programmes and improvements in the quality of life in the most neglected sectors of the population;
- Women's full participation in the running of community services and as active spokespeople in local government;
- Promotion of cultural, sports and recreational activities, and generally of full, creative participation by women. 5/

2. Action to promote women's rights

2.1 Creation of the National Office for Women's Affairs (SERNAM)

46. Paragraph 57 of the United Nations "Convention on the Elimination of All Forms of Discrimination against Women" provides for the obligatory establishment of appropriate government machinery to assume responsibility for the advancement of women, and also sets out the basic requirements to be met by such a body.

47. In pursuance of the mandate of the Convention - an instrument which is binding upon those States who ratify it - and of the undertakings pledged to the Chilean people in the CPD Government Programme, the National Office for

5/ "La Incorporación Plena de la Mujer", point 7 of chapter 5 of the CPD Government Programme.

Women's Affairs was set up by the Government of Chile on 3 January 1991, under Law N-19.023 of the Republic, as a functionally decentralized public department with separate legal status and its own resources, and whose head, Mrs. Soledad Alvear, holds the rank of Minister of State.

48. This body, which is permanent by virtue of having been approved by a law of the Republic (unlike the organizations responsible for women's issues set up during previous governments, whose existence and ranking depended on the will of those governments), is defined in article 2 of that law as being "appointed to cooperate with the Executive in studying and proposing general plans and measures to enable women to enjoy equality of opportunity with men in the process of political, social, economic and cultural development ...". ^{6/}

49. In accordance with the foregoing, the responsibilities of the National Office for Women's Affairs are thus: ^{7/}

(a) To study public policies and petition the relevant ministries for their adoption, and to promote statutory, regulatory and administrative reforms, in order to achieve the previously stated objectives;

(b) To conduct and promote studies for use in diagnosing and analysing the condition of women and their family groupings;

(c) To encourage and propose measures to reinforce the family unit and to provide the social framework for its development as a human group and for the growth of each of its members;

(d) To promote measures to enhance the dignity and value of domestic work as an essential contribution to the functioning of the family and of society;

(e) To encourage concrete measures to enhance the fundamental value of motherhood to society and to ensure its effective protection;

(f) To maintain links of cooperation with national, international and foreign organizations, and generally with any person, corporation or entity whose aims and activities are related to the same topics, and to enter into agreements or contracts with them to carry out projects or activities of mutual interest, without prejudice to the responsibilities devolving upon the Ministry of Foreign Affairs;

(g) To evaluate the implementation of approved policies, plans and programmes, in order to ensure the implementation of the "Convention on the Elimination of All Forms of Discrimination against Women" ratified by the Government of Chile;

^{6/} Law N-19.023 of the Republic of Chile, January 1991.

^{7/} Ibid.

(h) To propose and encourage policies to promote the right of equal access by women to the various spheres of society;

(i) Finally, to coordinate the programmes, activities and other measures to achieve the objectives of this Office with the work of public and private departments and organizations.

2.2 Tasks carried out by SERNAM

50. During President Patricio Aylwin's first year of government (March 1990 to March 1991), the National Office for Women's Affairs undertook numerous tasks and activities with a view to developing public awareness and informing leaders of public opinion in the various strata of society, particularly men, of the rights and realities of Chilean women. The Office also upgraded its internal structure and the furtherance of its own programmes, in addition to submitting specific proposals to the various ministries and to Parliament for improving women's status.

51. The first major challenge taken up by SERNAM to this end was to make women's issues a topic of constant social and political concern (article 5 (a)). For this purpose, in addition to conducting an extensive and permanent media campaign and directly approaching political, religious, employment, social and public authorities, SERNAM held meetings with existing women's organizations throughout the country - in the 13 regions - to report to them on its programmes and activities and to answer their queries.

52. Also to this end, in conjunction with its awareness campaign, SERNAM organized numerous seminars during this period on the theme of women, the most notable being: "World situation and trends in legislation on women's rights", with the Ministry of Health; "Mechanisms to enable peasant women to participate in rural development", with the FAO; "Violence within the family"; "Meeting with women in public administration"; "Women and the environment", with various related public and private organizations; "Women and AIDS", with the Ministry of Health; "Meeting with professional women"; and "Third border meeting of secretariats". SERNAM personnel have also taken an active part, both within Chile and abroad, in other meetings connected with women's issues, democracy and human rights. 8/

53. A second major challenge pursued by SERNAM was to establish a permanent body, as part of the State, to take up at national level the various challenges to combat discrimination against women, and this aim, as stated above, was achieved on 3 January under Decree Law N-19.023 of the Republic.

54. In conjunction with this work of organizational reinforcement and dissemination, including, in the latter, the SERNAM information and image campaign entitled: "Hagamos un Nuevo Trato" [Let's Make a New Deal], the National Office for Women's Affairs embarked fully on its programmes and

8/ See SERNAM Activity Reports for May-October 1990, November-December 1990 and January-May 1991.

projects targetting urgent ministerial matters, notably: (1) legal reforms; (2) national plan of support for women of limited means, in particular heads of household; (3) national plan to combat violence within the family; (4) women's information centres; and (5) international relations.

1. Legal reforms

55. As already stated, one of the fundamental aims of the Government of Chile, and of SERNAM in particular, is to put an end to discriminatory practices which affect women at various levels and which in many instances are endorsed by the law (article 2 (f) and (g)). Working Committees have accordingly been set up within SERNAM to study existing legislation and propose legislative reforms essential to the elimination of discrimination suffered by women in civil, procedural, penal and employment matters.

56. To this end, the Employment Committee has, for example, proposed various reforms (article 11) to the Ministry of Labour, notably the abolition of the rule barring full access by women to the field of employment, the father's leave of absence from work in the event of the birth of a child and the alternative leave of the mother or father in the event of sickness of a child under one year of age. Also included in the general employment reform bill is a provision taking up the proposal to grant women working in private houses the right to compensation for years of service and to fixed working hours.

57. With the aim of making the principle of equal rights between men and women a reality, the Civil and Penal Committees have drafted a bill to amend the Civil Code in property matters and other legal instruments. These will be submitted by the Executive to Parliament in the middle of the second half of 1991 (article 15).

58. This bill, where it deals with personal obligations between spouses, equates the consequences arising out of a breach of the duty of fidelity, by defining alike the crime of adultery, whether committed by the husband or by the wife, and by laying down the same penalty in both cases (article 2 (g)).

59. In line with the principle of equality which inspired it, this bill also equates the duty to succour, by laying down that both husband and wife are required to provide for the joint family's needs in proportion to their financial capabilities, and penalizes any avarice by either spouse as grounds for temporary divorce if such avarice deprives the other spouse of the necessities of life.

60. In similar fashion, it equates the civil penalty incurred through any breach of the duty of cohabitation by laying down that "refusal by either spouse, without lawful cause, to follow the other" shall constitute grounds for temporary divorce.

61. With regard to the reform of property relationships between spouses, the SERNAM bill proposes replacing the joint estate system (at present the normal system within marriage) by a system of sharing of assets acquired through matrimony. As already stated, the main criticism levelled against the joint estate system is that it perpetuates the de facto relative incapacity of the wife, in that it is the husband who legally administers not only the joint property but also the wife's own property. Consequently, a wife has no right of disposal over the property of the marriage partnership or over her own property.

62. By contrast, therefore, the system of sharing acquired assets guarantees the full capacity of both spouses. Its specific feature is the existence of two separate sets of assets, those of the husband and those of the wife, which are administered independently by each spouse. Upon the termination of this property system, the assets acquired by both spouses whilst the system was in operation are mutually offset, and each spouse is entitled to one half of the surplus, thereby entitling the spouse who has acquired less assets (normally a wife who devotes herself entirely to the home) to a share of the other spouse's acquired assets.

63. The bill also institutes the principle of family assets, irrespective of the property system in operation between the spouses. Family assets are constituted by the immovable property which belongs to both spouses or to either spouse and serves as the family's main residence, and by the movable property which equips the home. To protect these family assets, it is stipulated that family property may not be transferred or encumbered without the consent of both spouses. Also under the bill, the spouse concerned is granted beneficium excussionis in regard to family property. This enables the party concerned to require that claims be first pursued against the debtor's other property before the institution of proceedings against the family property.

64. Since many forms of discrimination and/or problems affecting women arise within the family (a phenomenon which has become apparent from successive reports, studies and data), the Procedural Committee is working on the drafting of a bill on family courts.

65. In association with these areas of its work, SERNAM has directly or indirectly cooperated in promoting laws and reforms of ministerial policies, notably Law N-19.035, which increases the State's childbirth provision (in amendment of article 30 of Law 18.469), and the repeal by the Ministry of Education of the rule which prevented pregnant adolescents from continuing their schooling in the daytime. This latter measure was studied and promoted by SERNAM.

2. Support for women of limited means

66. As already stated, a further priority area of SERNAM is the development of activities contributing to the reinforcement of the family unit and the promotion of initiatives aimed at improving the conditions for women's integration into the local market.

67. Of prominence in this context is the priority National Plan of Support for Women Heads of Household of Limited Means. This comprehensive, multisectoral programme is designed primarily to advance the financial condition of female heads of household, to improve the quality of life of the household members and to put an end to any discrimination affecting them.

68. With this aim, SERNAM:

(a) Has carried out permanent coordination work with the various ministries (Agriculture, Education, Health, Housing, Justice, Labour and Social Security, Planning, Cooperation, Public Works and National Property) and with organizations such as the Development Corporation (CORFO), the National Training and Employment Office (SENCE), the National Consumer Office

(SERNAC), the Technical Cooperation Office (SERCOTEC), the Housing and Town Planning Office (SERVIU) and the Directorate General for Sport and Recreation (DIGEDER), in addition to municipal authorities and non-governmental and international organizations.

The objectives of these coordination efforts are women's ensured access to housing and equality of opportunity in obtaining grants, priority of access to the benefits of the Government's social programmes, such as single family allowance and the supplementary diet programme, guaranteed treatment under the National Health Service, access to employment through job training and the formation of small-scale enterprises, ensured access by their children to crèches and kindergartens and to school meals, easier access to recreation, etc.;

(b) Will promote legal reforms in civil, employment and family matters to protect female heads of household and their children and to eliminate discrimination against them;

(c) Will coordinate a pilot scheme to support women heads of household of limited means in five municipalities within the country, in order to draw up a model for subsequent application at national level.

69. Notable among the activities already being undertaken are:

- Basic studies for improving the identification of needy groups and the reception of existing programmes aimed at them, in coordination with the Ministry of Planning and its data bank;
- Consultancy and intervention for the purpose of refocusing existing social programmes aimed at women heads of household;
- Direct-action programmes with ministries handling socio-economic affairs (intersectoral work).

70. The following progress has, for example, been achieved with the Ministry of Education (articles 4 and 10): repeal of the circular which required pregnant pupils to leave the daytime educational system and prevented them from returning after the birth of their child; repeal of the rule which prohibited married students from continuing their studies at daytime establishments; launching of adolescent pregnancy prevention and care programmes in association with municipal corporations; establishment of provisions to increase the coverage of infant schools under the authority of the Kindergarten Board and to extend the operating hours of crèches at major urban centres (growth of the traditional type is 5.6 per cent compared with 61.45 per cent for the non-traditional type) (article 11.2 (c)); inclusion of children of women heads of household as priority beneficiaries of this service; and exemption from payment of examination fees to validate studies in secondary and technical education.

71. Under a basic agreement (article 12) signed with the Ministry of Health, this Department has undertaken to implement health proposals and the action necessary to develop and maximize the care facilities required by women of limited means, with SERNAM providing the expertise to ensure the optimum attainment of this objective through the Joint Standing Committee. In

practical terms, one of the initial benefits for women of limited means is the intensification of primary care at surgeries, through an extension to evening opening hours. Also, a mobile surgery pilot scheme has been introduced and whole milk has been restored for all pregnant women. Other projects include an oral health-care scheme for this sector, submitted to the Inter-American Development Bank.

72. In addition, a Permanent Committee has been set up and an agreement reached with the Ministry of Housing enabling the Female Head of Household programme to be incorporated into the requisitioning, design and creation of community spaces. In this regard, it should be emphasized that the Ministry of Housing has now modified the points allocation procedure for housing grants, by awarding 10 additional points to female heads of household, single mothers, widows and separated or divorced women (article 4 (1)). The Ministry of Housing has also undertaken to train SERNAM female advisers so that they can offer more specialized information to women who approach the women's information centres.

73. SERNAM has also signed an agreement with the Institute for Agricultural Development (INDAP) to integrate rural women into the Technology Transfer and Loan Access programmes (article 13 (b) and article 14). Under this agreement, a rural adviser programme will also be put into operation. Of particular note in this sphere is the pilot scheme entitled "Alternative Kindergarten and Recreational Programme for Children of Talagante Female Seasonal Workers", which has benefited 100 children aged between two and 12 years. The aim of this project, which received the approval of the female workers, their employers, the National School Assistance and Scholarship Board, the Provincial Government, the National Kindergarten Board and the Department of Sport, was to support women workers/harvesters in the summer months by providing care and attention for their children. It is hoped to extend this successful programme during 1992 to localities situated between regions III and VII.

74. Similar-purpose agreements have been signed with the National Consumer Office to train female advisers in providing information on consumers' rights for the basic community, and with the Municipal Authority of Santiago (now extended to other municipalities), involving the development of a programme which has assisted 90 women in the areas of violence within the family, information on women's rights, mental and physical health care, technical training and other fields.

- Improved access to justice and awareness of the rights of female heads of household, through agreements with legal aid bodies, and training of female legal advisers;
- Campaign to publicize the Female Head of Household programme, aimed at three receptor segments: the women concerned, the media and the population in general;
- Proposal of new socio-economic indicators of women's status;
- Organization of seminars and surveys to analyse and discuss SERNAM's proposals.

3. National plan to combat violence within the family

75. As stated in the initial diagnosis, one of the major problems affecting women and one which is not quantifiable through lack of information is violence within the family.

76. To tackle this serious phenomenon, SERNAM has drawn up a "National Plan to Combat the Problem of Violence within the Family". During the period referred to, this has covered the following aspects:

(a) Systematization of the interdisciplinary work carried out by the working groups;

(b) Proposal of a comprehensive work programme to deal with the treatment of violence within the family, viewing it as a social problem;

(c) Maintenance of the care centre for women victims of violence within the family, currently under an agreement with the Municipal Authority of Santiago (221 cases had been handled up to March 1991), and the extension of this pilot experiment to the country's 13 regions;

(d) Campaign to heighten awareness of this issue, so that it is taken up by the community as a social problem;

(e) Continuation of the training courses for the Carabineros de Chile (para-military police) in the legal, medical and psychological aspects of this question. The first contingent comprised 700 carabineros and it is hoped that the next one will total some 2,000. Under the agreement signed with the police authorities, these courses will affect the professional career of those taking part. Training has also been provided in this field for professional and auxiliary staff at consultation units 1 and 2 in the Municipality of Santiago, as a pilot experiment.

4. Information centres on women's rights (CIDEM)

77. Since the vast majority of women are to a greater or lesser extent unaware of their rights as individuals and members of their sex and, as a result of this, their rights are very often the subject of discrimination and/or open violation, SERNAM has set up a network of women's information centres. Situated in each region of the country, these centres aim to serve as meeting-places for women to channel activities between each other and SERNAM, and where they can obtain full details of the various programmes and benefits available to them under existing social policies (article 5 (a) and article 10 (h)).

78. The work of the women's information centres will shortly be intensified through the training of 200 female legal advisers based throughout the country, whose role will be to counsel women on the following topics: violence within the family, women and self-esteem, women and work, social security, women and the family, women and land law, and institutions and methods of recourse to them.

5. International relations

79. In line with the general targets set by the Government on these issues, Chilean women's prime objective through SERNAM in this sphere on an international level has been full integration into the various international organizations - both governmental and non-governmental - where the main theme is women or affects women (progress under article 8).

80. Chile has accordingly become a member of the Steering Committee of the Inter-American Commission of Women (IACW) of the Organization of American States, and of the United Nations Commission on the Status of Women; it has attended meetings of the Economic and Social Council, made contacts with the Women's Institute of Spain, etc., and established permanent links with the 13 regionally-based governmental departments for women; it has also maintained regular contact with various United Nations agencies: ECLAC, UNESCO, FAO, UNICEF, UNDP, etc., and with foreign representations resident in the country, etc., amongst many others.

81. Further work carried out by SERNAM in the international field includes attendance by its officials at various international seminars (such as "Women, Youth and Employment" organized by the Young Women's Association of Spain) and the holding of international meetings in Chile (such as the IACW Steering Committee meeting, which took place in mid-June, and others scheduled for late 1991, including the "Meeting with Parliamentary Women of the World Parliamentary Union" and the seminar with Women of the International Jurists' Association).

82. In addition to the establishment of links for the permanent exchange of information and proposals, SERNAM's international activities have extended to the submission of projects to governments and foundations, at home and abroad, for the practical application of the institution's programmes. 2/

IV. Concluding remarks

83. Although Chile still has a long way to go towards full compliance with all the provisions of the "Convention on the Elimination of All Forms of Discrimination against Women", its record of achievement for the period (March 1990 - March 1991) is a positive one. Particular mention should be made not only of the enormous efforts expended directly by SERNAM - now a permanent institution of the Chilean State - to promote women's status, but also of the more general efforts stemming from the Government's social policy, which has meant increased budgets for housing, health and education, the raising of the minimum wage, and the submission of various projects to Parliament for the benefit of large sectors, such as the now-approved Teachers' Statute, which restores the financial and employment status of

2/ For a report on the year's achievements and future projections, see "Mensaje Presidencial del 21 de mayo de 1991", Secretariat for Communication and Culture, May 1991, pp. 447-452.

teachers, 70 per cent of whom are women. In other words, progress has to a greater or lesser extent been made, during the democratic Government's first year, towards the recognition of articles 1 to 17 of the "Convention on the Elimination of All Forms of Discrimination against Women", which are the measure of the country's internal advances in these fields.