

Distr.: General
9 March 2018

Original: English

ADVANCE UNEDITED VERSION

Committee on the Elimination of Discrimination against Women

Concluding observations on the seventh periodic report of Chile*

1. The Committee considered the seventh periodic report of Chile (CEDAW/C/CHL/7) at its 1574th and 1575th meetings, on 21 February 2018 (see CEDAW/SR/1574 and 1575). The Committee's list of issues and questions is contained in CEDAW/C/CHL/Q/7 and the responses of Chile are contained in CEDAW/C/CHL/Q/7/Add.1.

A. Introduction

2. The Committee appreciates the submission by the State party of its seventh periodic report. It also appreciates the State party's follow-up report (CEDAW/C/CHL/CO/5-6/Add.1) and written replies to the list of issues and questions raised by the pre-sessional working group, as well as the oral presentation by the delegation and the further clarifications provided in response to the questions posed orally by the Committee during the dialogue. It further appreciates the information provided electronically following the dialogue.

3. The Committee commends the State party on its high-level delegation, which was headed by Minister for Women and Gender Equity, Claudia Pascual Grau. The head of delegation was joined by the Secretary General of the Government, Minister Paula Verónica Narváez Ojeda; Minister for Labour and Social Security, Alejandra Krauss ; Minister of the Supreme Court, Andrea Muñoz Sánchez; Vice Minister for Human Rights, Julia Lorena Fries Monleón. The delegation was further composed of representatives from the Ministry of Justice and Human Rights; the Ministry of Labour and Social Security; the Ministry of Foreign Relations; the Ministry of Social Development; the Ministry of Education; the Ministry of the Interior and Public Safety; the Technical Secretariat for Equality and Gender and non-Discrimination; the Office of the Public Prosecutor; the Ministry of the Secretary General of the Government; and the Ministry of Health. The delegation was joined by the Ambassador to the Permanent Mission of Chile to the United Nations and other international organizations at Geneva, Her Excellency Marta Maurás Perez; and Alternate Ambassador and Permanent Representative to the United Nations and other international organizations in Geneva, Her Excellency Carla Serazzi, along with representatives from the Permanent Mission of Chile. The Committee appreciates the constructive dialogue that took place between the delegation and the Committee.

* Adopted by the Committee at its sixty-ninth session (19 February-9 March 2018).

B. Positive aspects

4. The Committee welcomes the progress achieved since its consideration in 2012 of the State party's combined fifth and sixth periodic reports (CEDAW/C/CHL/CO/5-6) in undertaking legislative reforms, in particular the adoption of the following:

- (a) Law No. 21.030 (2017) easing the total ban on abortion by legalizing voluntary termination of pregnancy on three specific grounds;
- (b) Law No. 20.885 (2016) establishing the Office of the Undersecretary of Human Rights and amending the Constitutional Organic Law of the Ministry of Justice;
- (c) Law No. 21.015 (2017) encouraging the integration of persons with disabilities into the labour market;
- (d) Law No. 21.063 (2017) providing insurance coverage for working parents of children suffering from serious illnesses;
- (e) Law No. 20.820 (2015) establishing the Ministry for Women and Gender Equity;
- (f) Law No. 20.830 (2015) adopting the Civil Union Accord;
- (g) Laws Nos. 20.900 and 20.915 (2016) amending the Constitutional Organic Law on Political Parties, and providing that for gender parity in the composition of collegiate bodies by guaranteeing a minimum of 40 per cent of women candidates;
- (h) Law No. 20.840 (2015) establishing a proportionate, inclusive electoral system for congressional elections, putting an end to the binomial system;
- (i) Law No. 20.786 (2014) improving working conditions for domestic workers.

5. The Committee welcomes the State party's efforts to improve its institutional and policy framework aimed at accelerating the elimination of discrimination against women and promoting gender equality, including the adoption or establishment of:

- (a) The National Policy on Gender Equality and Non-Discrimination (2018);
- (b) The National Plan on Human Rights (2018-2021);
- (c) The Fourth National Plan on Equality between Women and Men (2018–2030);
- (d) The National Action Plan against Trafficking in Persons (2015 – 2018);
- (e) The National Plan of Action on Violence against Women (2014-2018);
- (f) The Technical Secretariat for Gender Equality and Non-Discrimination in the Supreme Court (2016).

6. The Committee welcomes the fact that, in the period since the consideration of the previous report, the State party has ratified or acceded to the following international instruments:

- (a) The Convention relating to the Status of Stateless Persons (1954) and the Convention on the Reduction of Statelessness (1961), in 2018;
- (b) International Labour Organisation (ILO) Convention No. 189 (2011) concerning decent work for domestic workers, in 2016.

7. The Committee commends the significant efforts made by the State party in advancing women's rights in the past four years, and notes that many of the laws and policies adopted during that period provide a sound basis for further empowering women towards achieving gender equality and eliminating discrimination against women, in line with the Convention.

Sustainable Development Goals

8. The Committee notes with satisfaction the engagement of the State party in implementing the Sustainable Development Goals, including through the creation of the National Council for the Implementation of the 2030 Agenda for Sustainable Development. The Committee recalls the importance of the goal 5.1 and commends the positive efforts of the State party to implement sustainable development policies.

C. Parliament

9. **The Committee stresses the crucial role of the legislative power in ensuring the full implementation of the Convention (see the statement by the Committee on its relationship with parliamentarians, adopted at the forty-fifth session, in 2010). It invites the National Congress, in line with its mandate, to take the necessary steps regarding the implementation of the present concluding observations between now and the submission of the next periodic report under the Convention.**

D. Principal areas of concern and recommendations

Implementation of the Convention, the Optional Protocol thereto and the Committee's general recommendations

10. The Committee welcomes the numerous efforts made by the State party to disseminate the Convention. However, it is concerned that, despite the State party's acceptance of recommendations made through its Universal Periodic Review in 2014 to ratify the Optional Protocol to the Convention, the draft law (Bulletin No. 2667-10) approving the ratification of the Optional Protocol has been pending with the Senate Committee on Foreign Affairs since 2001.

11. The Committee reiterates its previous concluding observations (CEDAW/C/CHL/CO/5-6, para.52) and recommends that the State party take steps to expedite the ratification of the Optional Protocol to the Convention as a matter of priority in order to facilitate the full enjoyment of the rights guaranteed under the Convention.

Legislative framework and definition of discrimination against women

12. The Committee commends the State party's adoption of key legislation aimed at promoting substantive equality of women and men. However it notes with concern that:

(a) Law 20.609 (2012) on discrimination continues to be limited in scope and fails to include a comprehensive definition of discrimination against women;

(b) The lack of effective implementation of Law 20.609, along with the absence of a judicial mechanism to adjudicate cases of discrimination against women, have resulted in low prosecution rates (between 2012 and 2016 only 3% of cases tried under the law related to discrimination);

(c) The draft Gender Identity Law remains pending, with amendments;

(d) Insufficient legal protection has resulted in an increase in the number of cases of discrimination against lesbian, bisexual, transgender and intersex women.

13. In accordance with the State party's obligations under the Convention and in line with Sustainable Development Goal 5, target 5.1 to end all forms of discrimination against all women and girls everywhere, the Committee reiterates its previous concluding observations (CEDAW/C/CHL/CO/7, para. 11), and recommends that the State party:

(a) **Adopt as priority a comprehensive legal definition of all forms of discrimination against women, covering both direct and indirect discrimination, as well as intersecting forms of discrimination, in the public and private spheres, and establish, in its Constitution and/or other legislation, the principle of formal and**

substantive equality of women and men, in accordance with article 2 (a) of the Convention;

(b) Establish a judicial complaints mechanism to deal specifically with cases of discrimination against women, and ensure that adequate human, financial and technical resources are allocated for its effective implementation, including the provision of training for the judiciary on the adjudication of such cases;

(c) Adopt the draft Gender Identity Law with the proposed amendments;

(d) Provide indepth training for the judiciary and other State authorities to address the discrimination and rights violations experienced by lesbian, bisexual, transgender and intersex women.

Access to Justice

14. The Committee welcomes the establishment of the Technical Secretariat for Gender Equality and Discrimination (2016) in the Supreme Court, along with the various policies aimed at promoting access to justice for disadvantaged women. However, it is concerned about the institutional, procedural and practical barriers faced by women in gaining access to justice, such as:

(a) Discriminatory stereotypes, judicial bias and limited knowledge of women's rights among the judiciary, legal practitioners, and law enforcement officers, including the police;

(b) Multiple barriers, including financial, linguistic and geographic, facing low income, rural, indigenous and disabled women in accessing justice;

(c) Reports about threats against indigenous women by law enforcement officers and representatives of the judiciary and as well as cases of reprisals for collectively claiming access to their lands;

(d) Discriminatory barriers faced by lesbian, bisexual, transgender and intersex women when accessing the justice system;

(e) Women's limited access to information about their rights under the Convention, as well as about the legal remedies available to women who are victims of gender-based violence, and the low rates of prosecution and conviction rates.

15. In accordance with its General Recommendation No. 33 on women's access to justice (2015), the Committee recommends that the State party:

(a) Further expand systematic and mandatory capacity-building to magistrates, judges, prosecutors, public defenders, lawyers, law enforcement officers, administrators, mediators and expert practitioners on women's rights, gender-sensitive investigations, the encouragement of reporting, and the avoidance of re-victimization;

(b) Ensure that information on legal remedies is available to women who are victims of gender-based violence, including in indigenous languages and in formats accessible for women with disabilities, and introduce a system of mobile courts and free legal aid aimed at facilitating access to justice for women living in rural and remote areas;

(c) Introduce systematic training for the judiciary and law enforcement officers on the rights of indigenous women and guarantee their right to access justice without fear of reprisal;

(d) Establish processes to eliminate discriminatory rulings and practices against lesbian, bisexual, transgender and intersex women within the justice system;

(e) Ensure that victims of discrimination and gender-based violence have access to timely and effective remedies that may take the form of restitution, compensation or rehabilitation, and encourage women to report incidents of gender-based violence, including domestic violence, and ensure that all cases of violence against women are effectively investigated and that perpetrators are duly prosecuted.

National machinery for the advancement of women and gender mainstreaming

16. The Committee commends the creation of the Ministry of Women and Gender Equity. It further welcomes the Development of the Fourth National Plan on Equality between Women and Men (2018-2030). However, the Committee is concerned that the inadequate resources of the Ministry, along with its limited integration and coordination with the National Service for Women and Gender Equality and the Council of Ministries for Gender Equality may hamper progress in promoting gender equality strategies. It is further concerned about the limited and sporadic participation by civil society organisations, particularly women's organizations representing the most disadvantaged groups of women, in the design and monitoring of public policies on gender equality.

17. The Committee reiterates its previous concluding observations (CEDAW/C/CHL/CO/5-6, para. 13) and further recommends that the State party:

(a) Reinforce the integrated approach to gender mainstreaming and ensure that effective monitoring and accountability mechanisms are introduced, including systematic gender impact assessments of legislation by all Ministries, and ensure that evaluation is measured on the basis of compliance with relevant targets and indicators and effective data collection;

(b) Ensure the adequate allocation of human, technical and financial resources to the Ministry of Women and Gender Equity so as to allow for the full and effective implementation of its Fourth National Plan on Equality between Women and Men (2018-2030);

(c) Adopt an integrated gender-budgeting process, including the implementation of the Sustainable Development Goals with effective monitoring and accountability mechanisms across all sectors and levels of government;

(d) Enhance coordination with the National Congress and civil society and fully include disadvantaged groups of women in the design and implementation of public policies and programmes, in line with article 2 (1) of Law No. 20.609.

Temporary Special Measures

18. The Committee welcomes the inclusion of a provision in Law No. 20.820 that allows the Ministry for Women and Gender Equity to propose temporary measures, plans and programmes (art.4). It also notes as positive the initiative taken by the Faculty of Physics and Science at the University of Chile to introduce a Programme for the Priority Inclusion of Gender Equity, and the resulting increase in enrolment by girls to the faculty. However, the Committee is concerned about the absence of temporary special measures to accelerate the achievement of substantive equality of women and men in other areas covered by the Convention, such as education and employment, and participation in political and public life.

19. The Committee recalls its previous concluding observations and recommends that the State party consider using temporary special measures, in line with article 4, paragraph 1, of the Convention and the Committee's general recommendation No. 25 (2004) on temporary special measures, as a necessary strategy to accelerate the achievement of substantive equality in all areas of the Convention, in particular in political and public life where women are underrepresented, as well as in education and employment, to which migrant and indigenous women have limited access.

Stereotypes

20. The Committee welcomes the legislative and other measures taken to address discriminatory stereotypes in the State party, including the continued efforts to promote equality between mothers and fathers in child-rearing duties. Nevertheless, it remains concerned that persistent discriminatory stereotypes about the roles and responsibilities of women and men in the family and in society, along with intersecting forms of discrimination and the deep-rooted machismo culture in the State party, continue to impede progress in advancing gender equality. It further notes with concern that certain groups of

women do not enjoy full respect of their rights due to insufficient special protective measures.

21. The Committee reiterates its previous concluding observations (see CEDAW/C/CHL/CO/5-6, para. 17), and further recommends that the State party adopt a comprehensive strategy targeting women, men, girls and boys to overcome the machismo culture and discriminatory stereotypes about the roles and responsibilities of women and men in the family and in society. It also recommends that this strategy address intersecting forms of discrimination against women, including women with disabilities, indigenous women, afro descendant women and migrant women as well as lesbian, bisexual, transgender and intersex women, as defined in paragraph 18 of the Committee's general recommendation No. 28 (2010) on the core obligations of States parties under article 2 of the Convention.

Harmful practices

22. The Committee is concerned about:

(a) The lack of clear legislative provisions prohibiting unnecessary medical procedures to be performed on intersex infants and children until they reach an age when they are able to give their free, prior and informed consent;

(b) The inadequate support and lack of effective remedies for intersex persons, who have undergone medically unnecessary surgical procedures, at a very early age, often with irreversible consequences, resulting in long-term physical and psychological suffering.

23. In light of the joint general recommendation/general comment No. 31 of the Committee and No. 18 of the Committee of the Rights of the Child on harmful practices (2014), the Committee recommends that the State party:

(a) Adopt clear legislative provisions explicitly prohibiting the performance of unnecessary surgical or other medical treatment on intersex children until they reach an age when they can give their free, prior and informed consent; provide families with intersex children with adequate counselling and support; and ensure that information is provided to medical professionals on the legal prohibition of unnecessary surgical or other medical interventions for intersex children;

(b) Ensure effective access to justice for intersex persons who have undergone unnecessary surgical or other medical treatment without their free, prior and informed consent and consider establishing a state compensation fund.

Gender-based violence against women

24. The Committee welcomes the significant legislative and institutional advancements to combat gender-based violence against women, including the adoption of the National Plan of Action on Violence against Women (2014-2018) and the development of a database to record incidents of violence. However, it remains concerned about:

(a) The persistently high rates of gender-based violence against women in the State party, including physical, psychological, sexual and economic violence in both the private and the public spheres, along with the high levels of intra-family violence against girls and adolescents;

(b) The lack of progress in adopting the draft Law on the right of women to a life free from violence (Bulletin No. 11077-07), which has been pending in Congress since 2016;

(c) The limited scope of Law 20.066 (on intra-family violence) to sanction cases of femicide which requires that the perpetrator must be/have been in a relationship with the victim; and the increasing levels of femicide in the State party (from 34 cases in 2016 to 43 in 2017), including attempted femicide;

(d) Violence against girls in State run institutions (SENAME-National Service for Children), including cases of sexual exploitation and abuse;

(e) The reported use of violence by State agents against lesbian, bisexual and transgender women and the lack of data on prosecutions and convictions in such cases;

(f) Reports of excessive use of force by State agents against Mapuche women in Araucania, and the lack of data on cases of violence against indigenous women.

25. The Committee recalls its general recommendation No. 35 (2017) on gender-based violence against women, updating general recommendation No. 19, and reiterates its recommendation that the State party:

(a) Enhance its efforts to combat all forms of gender-based violence against women, and take steps to develop a comprehensive prevention strategy in cases of violence against girls and boys, in particular in the home, including the provision of psychosocial support to victims;

(b) Expedite the adoption of the draft Law on the Right of Women to a Life Free from Violence (Bulletin No. 11077-07) and ensure that the law recognizes the intersectionality between violence and discrimination, particularly affecting migrant women, indigenous women, women with disabilities, and lesbian, bisexual, transgender and intersex women;

(c) Amend Law No. 20.480 to expand the definition of femicide to include all gender motivated killings and intensify measures to prevent femicides and ensure the investigation, prosecution and conviction of perpetrators;

(d) Expeditiously establish a specific mechanism to monitor the rights of girls in State run institutions (SENAME – National Service for Children), and ensure that all cases of gender-based violence against girls are investigated, prosecuted and adequately punished;

(e) Address the lack of protection measures to ensure the dignity and integrity of lesbian, bisexual and transgender women, including by raising public awareness of their rights, in cooperation with civil society, and adopt measures to prevent hate crimes and ensure investigations, prosecutions, convictions and the provision of adequate redress to victims, including reparation and compensation;

(f) Ensure that all forms of gender-based violence against Mapuche women committed by, or resulting from, actions or omissions by State agents at all levels, including the police, are systematically and duly investigated, that perpetrators are effectively prosecuted and punished with adequate sentences and disciplinary measures, and that victims are provided with reparation or compensation.

Trafficking and exploitation of prostitution

26. The Committee welcomes the efforts to combat trafficking in the State party, including the publication of Good Practice Guidelines for the Investigation of Crimes in Trafficking in Persons (2014) and the adoption of a National Action Plan against Trafficking in Persons (2015-2018). However, it is concerned about:

(a) The limited budget allocated for the implementation of Law No. 20.507 on trafficking in persons, including migrants;

(b) The lack of a comprehensive anti-trafficking strategy and the absence of disaggregated data on victims of trafficking or information on the extent of trafficking in the State party, particularly as regards trafficking for purposes other than sexual exploitation;

(c) The low prosecution and conviction rates in cases of trafficking, and the re-victimisation of women and girls, some of whom are reportedly criminalized rather than receiving victim support;

(d) The insufficient victim assistance rehabilitation and reintegration measures, including an adequate number of shelters, and the limited access to counselling, medical treatment, psychological support and redress such as compensation for victims of trafficking, in particular for migrant women.

27. **The Committee recommends that the State party:**

(a) **Allocate adequate human, financial and technical resources for the effective implementation of Law No. 20.507;**

(b) **Establish an independent mechanism with adequate human, technical and financial resources to systematically collect and analyse disaggregated data on human trafficking, as well as to conduct studies on the extent of trafficking in the State party;**

(c) **Improve the training of police and social workers at the municipal levels on gender-sensitive procedures to deal with victims of trafficking; investigate, prosecute and adequately punish perpetrators of trafficking in persons, especially women and girls; and develop national guidelines for the effective identification of victims of trafficking so as to avoid re-victimisation;**

(d) **Strengthen support to women victims and those at risk of trafficking, in particular migrant women and unaccompanied girls, by ensuring adequate access to health care, counselling services and redress, including reparation and compensation and the provision of adequate shelters;**

(e) **Enhance regional cooperation with countries of transit and destination in order to prevent trafficking through information exchange, and strengthen the capacity and resources of labour inspectors, police and border officials so as to better identify forced labour, trafficking and related offences against women and girls.**

Participation in political and public life

28. The Committee welcomes the significant advancements in increasing the participation of women in political and public life, particularly through the adoption of Law No. 20.840. It also welcomes the advances in appointing more women candidates in the diplomatic service and within management positions in public enterprises. However, the Committee remains concerned that structural barriers to and discriminatory stereotypes on women's engagement in political and public life continue to exclude women from decision-making positions in both elected and appointed positions and within political parties, the judiciary and in academia. Furthermore, the lack of temporary special measures continue to impede women's participation in and in decision-making positions at the State and municipal levels, including as regards indigenous women.

29. **The Committee reiterates its recommendation to the State party that it fully utilize general recommendation No. 23 (1997) concerning women in political and public life, including—the development of guidelines for the application of the provisions of quotas in future elections, with a view to accelerating the full and equal participation of women in public and political life. It calls upon the State party to establish concrete goals and timetables to accelerate women's equal participation in public and political life at all levels and in international representation and that it endeavour to create the necessary conditions for the achievement of such goals. It also calls on the State party to highlight the importance to society as a whole of women's full and equal participation in leadership positions. The Committee requests that the State party include in its next report an evaluation of Law No. 20.840 along with disaggregated data on the participation trends of women in decision making including in diplomacy.**

Human Rights Defenders

30. The Committee is concerned that indigenous women human rights defenders are subjected to different manifestations of violence, such as threats, sexual abuse, harassment and killings, including by non-State actors. The Committee is also concerned about information alleging that some of the cases involving violence against women human rights defenders have been committed by State agents. The Committee is further concerned that the anti-terrorism law has been applied disproportionately to criminalise some acts by indigenous women in connection with the assertion of their rights, including their rights to ancestral lands.

31. **The Committee recommends that the State party take concrete, adequate and effective measures to prevent, investigate, prosecute and punish attacks and other forms of abuse perpetrated against women human rights defenders as well as take effective measures to combat impunity. It further recommends that the State party does not apply anti-terrorism legislation to indigenous women for acts that take place in connection with the assertion of their rights, including their rights to ancestral lands.**

Nationality

32. The Committee commends the State party for the measures taken to ensure that children of non-resident aliens are granted Chilean nationality through the rectification of their birth certificates, on the request of the mother or father. The Committee also notes as positive that since July 2017, through the *Chile Te Recibe* programme, children and adolescents have been granted temporary visas, irrespective of the migratory status of their parents.

33. **The Committee recommends that the State party continue the *Chile Reconoce* programme and expedite the regularisation process to grant Chilean nationality to all children through the rectification of birth certificates.**

Education

34. The Committee welcomes the significant reforms to the education system, including the adoption of Law 20.845 on inclusive education and the provision of free higher education for disadvantaged groups, as well as the development of a joint protocol between the Ministry for Women and Gender Equity and the Superintendency of Education to promote continued school attendance of pregnant girls and young mothers. However, it is concerned that:

(a) Gender stereotyped educational materials and gendered behaviours on teaching and learning processes continue to have an impact on traditional career choices made by women and girls;

(b) Uneven application of the joint protocol of the Ministry for Women and Gender Equity and the Superintendency of Education may prevent some pregnant students and young mothers from reintegrating into education;

(c) Low educational attainment persists among indigenous women and girls;

(d) Unequal representation of women and girls in traditionally male-dominated fields of study persists, such as science, technology, engineering and mathematics (STEM).

35. **The Committee recalls its general recommendation No. 36 (2017) on the right to education of women and girls and recommends that the State party:**

(a) **Revise educational curricula to eliminate gender stereotyping and ensure that gender sensitive teaching materials are available and institute mandatory training of teaching staff at all levels of education on gender issues and gender sensitivity and the impact of their gendered behaviours on teaching and learning processes;**

(b) **Take measures to fully implement the joint protocol developed by the Ministry for Women and Gender Equity and the Superintendency of Education to ensure that support mechanisms are in place to encourage pregnant students and young mothers to continue their education during and after pregnancy, including by providing affordable childcare facilities, informing pregnant students of their rights under the new legislation and imposing fines on educational institutions expelling pregnant women and/or denying young mothers to reintegrate into education;**

(c) **Adopt and implement targeted measures, including temporary special measures in line with article 4 (1) of the Convention and the Committee's general recommendation No. 25, to accelerate equal access to all levels of education by indigenous girls and women in rural areas;**

(d) **Address discriminatory stereotypes and structural barriers that may deter girls from progressing beyond secondary education and enhance initiatives that guarantee the enrolment of girls in traditionally male-dominated fields of study, such as mathematics, information technology and science (STEM).**

Employment

36. The Committee commends the wide-ranging measures taken by the State party to reconcile family and work life, including the adoption of Law No. 20.786 (2014) on domestic workers, the *Mas Capaz* programme and the draft Law (Bulletin No. 9.322-13) on equal pay for work of equal value. However, it is concerned about:

(a) The still pending status of the draft Law (Bulletin No. 9.322-13) to amend the Labour Code and establish the principle of equal pay for equal value;

(b) The prevailing gender pay gap (22% in 2016) in both the public and private sectors that continues to impact negatively on women's pension benefits due to the lack of a clear definition in the current legislation (Law No. 20.348) on what constitutes equal pay for work of equal value;

(c) The persistence of horizontal and vertical occupational segregation, the concentration of women in the informal sector, in lower-paid service sectors and in temporary and part-time work;

(d) The lack of information on the full implementation of the International Labour Organisation (ILO) Convention No. 189 (2011) concerning decent work for domestic workers, in particular migrant women;

(e) The limited access by migrant women and indigenous women, as well as women with disabilities, to the formal labour market.

37. **The Committee recommends that the State party:**

(a) **Expedite adoption of the draft Law (Bulletin No. 9.322-13) on equal pay for equal work;**

(b) **Strengthen efforts to eliminate the gender wage gap and ensure equal opportunities for women and men in the labour market, including through the continued use of temporary special measures, with time-bound targets, in line with article 4, paragraph 1, of the Convention and its general recommendation No. 25 (2004) on temporary special measures;**

(c) **Eliminate horizontal and vertical occupational segregation in the public and private sectors;**

(d) **Ensure the application of labour legislation for domestic workers, including by undertaking systematic labour inspections and conducting awareness-raising activities and ensure full implementation of the International Labour Organisation (ILO) Convention No. 189 (2011) concerning decent work for domestic workers;**

(e) **Create employment opportunities for disadvantaged groups of women, particularly migrant women, indigenous women and women with disabilities.**

Health

38. The Committee welcomes Law No. 21.030 (2017) that legalizes voluntary termination of pregnancy on three grounds, namely rape, threats to the life of the pregnant woman and fatal fetal impairment. It also notes as positive the adoption of the National Guidelines on the Regulation of Fertility (2018). However, the Committee is concerned about:

(a) Illegal and unsafe abortions that may continue to place women at risk in spite of recent legislative developments;

(b) Conscientious objection as well as institutional conscientious objection may unintentionally constitute barriers for women's access to safe abortion, especially in rural and remote areas;

(c) The high rate of adolescent pregnancies and the prevalence of sexual abuse among adolescent girls and girls at a very early age;

(d) The continued gaps in the implementation of Law No. 20.418 (2010) which permits the use, sale and distribution of emergency contraception, and women's difficulties in accessing modern contraceptives and family planning services;

(e) The difficulty facing migrant women, indigenous women and women with disabilities in accessing non-emergency health care, including gynaecological services;

(f) Reports of forced sterilization of women and girls, particularly those with mental and other disabilities.

39. In line with its general recommendation No. 24 (1999) on women and health, the Committee recommends that the State party:

(a) **Extend the scope of Law No. 21.030 in order to decriminalize abortion in all cases;**

(b) **Apply strict justification requirements to prevent the blanket use of conscientious objection by doctors refusing to perform abortions, in particular in cases of adolescent pregnancy, and ensure that such measures also apply to medical personnel in private clinics;**

(c) **Ensure access of women, including girls and adolescents under the age of 18 years, to safe abortion and post-abortion care services; and further ensure that health services provide psychological support to girls and adolescents who have been subjected to sexual violence;**

(d) **Ensure that modern contraceptives are accessible, affordable and available to all women and girls, particularly in rural or remote areas;**

(e) **Take measures to ensure that health services, especially gynaecological services, are made accessible for all women, in particular women with disabilities;**

(f) **Ensure full implementation of the National Guidelines on the Regulation of Fertility (2018) by guaranteeing that fully informed consent is systematically sought by medical personnel before sterilizations are performed, that practitioners performing sterilizations without such consent are sanctioned and that redress and financial compensation are available for women victims of non-consensual sterilization.**

Economic empowerment

40. The Committee welcomes the State party's continued efforts to substantially reduce poverty. However, it notes with concern:

(a) That despite its economic growth and decrease in overall poverty rates the income gap continues to increase within the State party;

(b) The current pension system disproportionately affects women due to inconsistent payments, unpaid care work and the fact that many are employed in the informal sector, while proposed reforms to the pension system remain pending;

(c) Women's access to sport activities remains limited.

41. The Committee recommends that the State party:

(a) **Strengthen its national poverty reduction strategy with a focus on the most disadvantaged and marginalized groups of women, particularly indigenous and rural women, ensuring that the development and implementation of SDGs (Agenda 2030) are fully inclusive, and encourage the active participation of women;**

(b) **Further review the pension system so as to eliminate all provisions that discriminate against women, including the gaps preventing women from receiving the same pension as men;**

(c) **Increase the opportunities for women and girls to equally access all sports facilities and encourage their participation in competitive sports.**

Rural women

42. The Committee welcomes the various initiatives that have been developed to support rural women, particularly those working in the agricultural sphere. However, it is concerned at the lack of data available on the situation of rural women in the State party to better understand the evolution of living conditions of rural women, along with reports suggesting that rural women are more likely to suffer from poverty, particularly seasonal workers (*temporeras*), and have in some cases limited access to adequate healthcare and education. The Committee further commends the initiatives taken by the State party to address climate change, including through its National Strategic Plan for Disaster Risk Management, and the inclusion of gender-focused community participation training on disaster management and resource micro-zoning, through its Gender Management Improvement Programme.

43. **The Committee recommends that the State party intensify the programmes it has developed to support rural women, particularly through the State Bank Programme to Support Women Entrepreneurs and its corresponding training initiatives. It further recommends that the State party guarantee access to adequate healthcare, and education for rural women, particularly seasonal workers (*temporeras*), and provide a detailed analysis of the situation of rural women in its next periodic report. The Committee also recommends that the State party further expand its National Strategic Plan for Disaster Risk Management to the areas that are most vulnerable to climate change, particularly Patagonia, and ensure the active participation of women in decision making at all levels in this regard.**

Disadvantaged groups of women

Migrant women

44. The Committee notes the efforts of the State party to facilitate the economic and social integration of migrant women, including through the adoption of the Presidential Guidelines and Instructions on National Migration Policy (2015). However, it notes with concern that migrant women continue to face intersecting forms of discrimination in accessing political life, education, employment and health care.

45. **The Committee recommends that the State party adopt the new Migration Law and ensure that it includes a basis for the implementation of protection-sensitive entry mechanisms for people in need of international protection, as well as access to fair, efficient and gender-sensitive refugee status determination procedures. It further recommends that it take effective measures to eliminate discrimination against migrant women, within both society and their communities, through awareness raising campaigns and by cooperating with the media to sensitize the general public on intersecting forms of discrimination against these women.**

Indigenous women

46. The Committee notes as positive the proposal to create a Ministry of Indigenous People. However, it is concerned that indigenous women face intersecting forms of discrimination, based on their ethnic origin and social status, in addition to racial hatred, gender-based violence, poverty and marginalization. The Committee is particularly concerned about:

(a) The conflicts in some areas of the country that affect indigenous women through the lack of recognition and protection of land tenure and ownership by indigenous women, their forced evictions from indigenous traditional lands and their exclusion from decision-making processes concerning land use;

(b) The absence of effective consultation and mechanisms to ensure that indigenous women give their free, prior and informed consent to development projects on their traditional lands.

47. **The Committee recommends that the State party:**

(a) **Accelerate the creation of the Ministry of Indigenous People and increase dialogue with indigenous women to ensure their full participation in the development of such a body;**

(b) **Adopt measures to formally recognize indigenous women's land tenure and ownership, eliminate discriminatory norms and customs that limit access to land ownership for indigenous women and ensure their meaningful participation in decision-making processes regarding the use of traditional indigenous lands;**

(c) **Set up a mandatory and effective consultation mechanism to seek the free, prior and informed consent of indigenous women regarding the use of their natural resources and lands.**

Women in detention

48. The Committee is concerned at the high number of women in preventive detention, mainly on drugs related charges, and the fact that many are the breadwinners for their families. The Committee is also concerned about the limited access to adequate health care for women in detention, including a general shortage of professional staff; lack of healthcare staff working overnight and at weekends; and the risks faced by pregnant women in detention due to the lack of access to obstetric and gynaecological care.

49. **The Committee recommends that the reform of the prison system include a gender perspective and consider moving towards an increased use of non-custodial sanctions and measures, instead of imprisonment for women. It also recommends that judicial procedures are accelerated to avoid the overuse of preventive detention. The Committee also recommends that measures are taken to ensure that adequate health care facilities are available in prisons, including access to obstetric and gynaecological care, and services for all women deprived of liberty.**

Marriage and family relations

50. The Committee welcomes the adoption of Law 20.830 (Civil Union Accord) and the proposed amendments to the marital property regime (bulletins Nos. 1707-18 and 7727-18, consolidated with bulletins Nos. 7567-07, 5907-18). It also notes as positive the submission of a draft law (Bulletin No. 9850-18) to raise the minimum age of marriage to 18 years for both women and men. However, it is concerned that:

(a) The draft Laws to amend the marital property regime (bulletins Nos. 1707-18 and 7727-18, consolidated with bulletins Nos. 7567-07, 5907-18) have been pending in Congress since 2013; the current regime on marital property is discriminatory against women, in that under the Civil Code the husband will manage both joint property and the property belonging to the wife, while wives must be represented or authorized by their husbands when participating in legal procedures, such as selling or letting property, or commercial procedures, or arranging a loan;

(b) Current legislation fails to include clear provisions regarding filiation rights and parental rights for same-sex couples; and does not allow for adoption procedures that recognize both parents;

(c) Situations of domestic violence may not be adequately addressed in cases of child custody decisions;

(d) The draft law (Bulletin No. 9850-18) will still permit marriage under the age of 18 years in exceptional cases.

51. **The Committee recommends that the State party:**

(a) **Expedite, within a clear time frame, the adoption of draft Laws Nos. 7567-07 and 5907-18 amending the Civil Code and other laws governing the**

matrimonial property regime, ensure that the new matrimonial regime guarantees equal rights to women and men both during and upon the dissolution of marriage;

(b) Adopt the draft Law on Same-sex Marriage (Bulletin No. 11422-07) and ensure filiation and parental rights are protected;

(c) Ensure that gender-based violence against women in the domestic sphere is taken into account in child custody or visitation decisions, and sensitize the judiciary on the relationship between gender-based violence against women in the domestic sphere and children's development;

(d) Amend the draft law (Bulletin No. 9850-18) and raise the age of marriage to 18 years without exceptions, and also ensure judicial safeguards to protect girls under the age of 18 years who have been allowed to marry.

Beijing Declaration and Platform for Action

52. The Committee calls upon the State party to use the Beijing Declaration and Platform for Action in its efforts to implement the provisions of the Convention.

2030 Agenda for Sustainable Development

53. The Committee calls for the realization of substantive gender equality, in accordance with the provisions of the Convention, throughout the process of implementation of the 2030 Agenda for Sustainable Development.

Dissemination

54. The Committee requests the State party to ensure the timely dissemination of the present concluding observations, in the official language of the State party, to the relevant State institutions at all levels, in particular the Parliament, State Ministries and courts, to enable their full implementation.

Follow-up to the concluding observations

55. The Committee requests the State party to provide, within two years, written information on the steps taken to implement the recommendations contained in paragraphs 13 (a) and (b), 17 (b) and 25 (b) above.

Preparation of the next report

56. The Committee invites the State party to submit its eighth periodic report in March 2022. The report should be submitted on time and cover the entire period until the time of its submission.

57. The Committee requests the State party to follow the harmonized guidelines on reporting under the international human rights treaties, including guidelines on a common core document and treaty-specific documents ([HRI/GEN/2/Rev.6](#), chap. I).
