



Economic and Social Council

Distr.: General
22 December 2014
English
Original: Spanish

Committee on Economic, Social and Cultural Rights

List of issues in relation to the fourth periodic report of Chile*

I. General information

1. Please indicate what measures are being taken to raise awareness among the judiciary and the general public about the economic, social and cultural rights enshrined in the Covenant. Please also provide information on specific examples of case law in which the rights guaranteed under the Covenant have been invoked and directly applied by the domestic courts.

II. Issues relating to the general provisions of the Covenant (arts. 1 to 5)

Article 1

The right to freely dispose of natural wealth and resources

2. Please provide information on the current status of the bill granting constitutional recognition of indigenous peoples which, according to paragraph 13 of the State party's report (E/C.12/CHL/4), has been submitted to the Senate Committee on the Constitution, Legislation, Justice and Regulations. Please provide additional information on mechanisms in place for the return of ancestral lands to indigenous peoples and particularly on the resources allocated to the Indigenous Land and Water Fund of the National Indigenous Development Corporation (CONADI). Please provide information on the impact of the production support agreement mentioned in paragraph 14 of the State party's report.

3. Please provide information on the implementation of Supreme Decree No. 124 of 2009 establishing the provisional consultation and participation procedure in respect of indigenous peoples. Please also provide information on specific steps taken to ensure that all administrative or legal measures and/or decisions that directly or indirectly affect indigenous peoples, including the implementation of investment projects that involve the granting of exploitation contracts, are subject to a process of prior, free and informed consultation.

* Adopted by the pre-sessional working group at its fifty-fourth session (1–5 December 2014).



Article 2, paragraph 2

Non-discrimination

4. Please provide information on the implementation of Act No. 20609 establishing measures to combat discrimination, adopted in 2012, and on whether the Act guarantees that economic, social and cultural rights are exercised without discrimination of any kind, in accordance with article 2, paragraph 2, of the Covenant. Please also indicate whether the Act provides for the establishment of administrative and judicial mechanisms for protection against discrimination.

5. Please report on specific measures adopted to combat structural discrimination in the State party, particularly against indigenous peoples, persons of African descent, persons with disabilities and migrants. Please also report on measures taken to combat discrimination on the grounds of gender identity and/or sexual orientation.

Article 3

Equal rights of men and women

6. Please provide information on specific measures adopted by the State party to combat the persistence of traditional stereotypes in relation to the roles and responsibilities of women and men in the family and in society. Please provide information on the method used to evaluate the plans on equality of opportunity between women and men that the State party has been implementing, on the results achieved and on the remaining challenges with respect to equality between men and women.

III. Issues relating to the specific provisions of the Covenant (arts. 6 to 15)

Article 6

The right to work

7. Please provide further information on the measures taken to reduce the unemployment rate in the State party, particularly among young people between the ages of 18 and 24. Please also provide additional information on the steps taken to promote the development of vocational skills, and in particular on the measures undertaken by the National Training and Employment Service (SENCE).

8. Please provide information on the implementation, evaluation and outcome of the plan to promote and improve the quality of women's employment, and the impact of measures to increase the proportion of women in the labour market and improve their working conditions and employment potential.

Article 7

The right to just and favourable conditions of work

9. Please provide information on the adoption of bill No. 8292-13 amending the working hours, rest periods and remuneration to which domestic workers are entitled. Please also provide information on the impact of the measures adopted to improve the working conditions of domestic workers and on whether they include systematic labour inspections. Indicate whether the State party plans to ratify the International Labour Organization Domestic Workers Convention, 2011 (No. 189).

10. Please inform the Committee whether the recommendations of the Presidential Advisory Commission for Safety at Work have been acted upon and whether there is a national policy for health and safety in the workplace that protects all workers in all sectors of the economy.

11. Please provide information on the implementation of and monitoring mechanisms for Act No. 20348 establishing the principle of equal pay for men and women (E/C.12/CHL/4, para. 40) and on how that Act incorporates the principle of equal remuneration for work of equal value, as provided for in article 7 (a) of the Covenant. Please also provide information on measures adopted to effectively disseminate the Act.

Article 8

Trade union rights

12. Please provide information on how the right to strike is recognized in Chilean legislation and on guarantees in place to ensure that this right can be exercised without any form of reprisals. What specific measures has the State party adopted to address violations of trade union rights, including assaults, threats and attacks against trade union leaders and members? Please also indicate whether these violations have been duly investigated and sanctioned.

Article 9

The right to social security

13. Please provide information on the impact of the reform of the social security system in the State party. Indicate how the reform guarantees access without discrimination to minimum benefits, especially for disadvantaged and marginalized individuals and groups, enabling them, at the very least, to obtain health care, basic shelter and housing, water and sanitation, food and the most basic forms of education.

14. Please provide information on the steps taken to guarantee that women and men enjoy equal pension rights in terms of the age of entitlement, qualifying periods and amounts received.

Article 10

Protection of the family, mothers and children

15. Please provide information on the content and current status of the bill amending the rules on community of property and indicate how it ensures equality between men and women with regard to administering jointly owned property.

16. Please provide updated information on the incidence of child labour in the State party and on the measures adopted to protect children against work in hazardous conditions harmful to their health and against exposure to various forms of violence and exploitation.

17. Please provide additional information on the implementation of Act No. 20066 on domestic violence, particularly with regard to the offence of “habitual abuse”. Please provide information on practical steps taken by the State party to prevent all forms of violence against women and to provide comprehensive protection for women victims of violence.

Article 11

The right to an adequate standard of living

18. Please furnish statistics on the extent of poverty in the State party, disaggregated by age, sex, ethnic or national origin, and rural versus urban areas. Please provide information on the outcome of the measures implemented to combat poverty, in particular on the first phase of the Ethical Family Income social benefit, and on how it has helped to reduce poverty, especially in households headed by women and among the indigenous population.

19. Please provide information on measures adopted by the State party to expand coverage of drinking water services in urban areas and access to drinking water in rural areas. Please also provide information on any campaigns conducted to raise awareness about the hygienic use of water, the protection of water sources and methods for minimizing water wastage.

20. Please provide more information on the results of the implementation of the urban housing policy aimed at social integration and on how it has helped to reduce the continuing shortage of housing in order to guarantee adequate housing and reduce social segregation. Please also provide information on measures adopted in relation to social housing and its accessibility to disadvantaged and marginalized families, particularly in rural and deprived urban areas. Also report on measures taken in relation to forced evictions of persons living in informal settlements.

21. Please provide information on specific measures adopted to prevent industrial activities from continuing to generate high levels of pollution. Please also provide information on the Environmental Impact Assessment System and on whether it includes environmental impact mitigation measures as well as reparation and compensation measures for the communities affected.

Article 12

The right to physical and mental health

22. Please provide information on the content and status of the bill that would allow exceptions to the absolute prohibition against abortion. Please also provide information on measures adopted by the State party to ensure the availability and accessibility of sexual and reproductive health facilities, goods and services for all women and adolescents in all regions. In addition, please provide information on measures adopted by the State party to prevent the high number of teenage pregnancies and unsafe abortions and indicate whether education and awareness-raising campaigns on sexual and reproductive health have been conducted among adolescents.

23. Please provide information on the outcome of the implementation of the National Health Plan (E/C.12/CHL/4, para. 60). Please also provide information on how equal access to health facilities, goods and services is ensured under the reform of the health-care system initiated in 2005, especially for indigenous peoples, migrants, and persons who live in rural areas and/or belong to disadvantaged and marginalized groups.

Articles 13 and 14

The right to education

24. Please provide detailed information on the specific measures adopted to guarantee access to free and quality primary education in the State party. Please also provide information on the reform of the education system under way in the State party. Report on

any measures adopted to eliminate fee-paying and selective systems that restrict equitable access to education and indicate what concrete steps the State party has taken to reduce the inequality caused by the current education system.

25. Please indicate what measures have been adopted to ensure that secondary and higher education are equally accessible to all, without discrimination, based on the capacity of each individual, and what specific steps have been taken to progressively establish free secondary education. Please also provide information on how the system of grants and loans to finance higher education (E/C.12/CHL/4, paras. 184 and 185) enables students from poor, disadvantaged and marginalized families to access higher education.

Article 15

Cultural rights

26. Please provide information on concrete steps taken to protect cultural diversity and to raise awareness of the cultural heritage of indigenous communities in relation to their ancestral lands, and to create favourable conditions for them to preserve, develop, express and disseminate their identity, history, culture, language, traditions and customs.

27. Please describe the steps taken by the State party to guarantee affordable access to the Internet for disadvantaged and marginalized persons and groups in rural areas and elsewhere.
