

(Un)constitutionality of the preference towards the mother of the legal attribution of child physical custody of the article 225 section of the Chilean Civil Code
(In)constitucionalidad de la regla de atribución preferente materna del cuidado personal

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The present article sustains that the preference towards the mother of the legal attribution of physical custody, contained in the article 225 of the Chilean Civil Code, is unconstitutional, since is based in an arbitrary discrimination, unjust, not reasonable and disproportionate, that violates the principle of legal and material equality. The Chilean case is analyzed in the light of International Human Rights Treaties and Comparative Law.