



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

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**Committee on the Elimination of Discrimination
against Women
Twenty-first session**

Summary record of the 442nd meeting

Held at Headquarters, New York, on Tuesday, 22 June 1999, at 10.15 a.m.

Chairman: Ms. González

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The meeting was called to order at 10.50 a.m.

Consideration of reports submitted by States parties under article 18 of the Convention *(continued)*

Second and third periodic reports of Chile
(CEDAW/C/CHI/2 and 3, CEDAW/C/1999/II/CRP.1/Add.2)

1. *At the invitation of the Chairperson, Ms. Bilbao (Chile) took a seat at the Committee table.*

2. **Ms. Bilbao** (Chile), introducing the second and third periodic reports of Chile (CEDAW/C/CHI/2 and 3), said that, as early as 1949, her country had demonstrated its concern for the status of women by establishing a Legal Office for Women, followed by the National Office for Women in 1951. Government agencies for the advancement of women had continued to develop through the 1960s, until the installation of the military regime in 1973. Popular participation had dropped off sharply at that point, and policies towards women had become basically welfare-oriented. The National Secretariat for Women, composed of voluntary organizations, had been intended mainly to promote the ideology of the military Government although, in that context, many women had returned to the home, slowly but surely they had begun to participate in pro-democracy organizations. The economic crisis of the 1980s had also propelled many into the workforce to help their families survive.

3. Chile had rejoined the international community in 1990 with the return of democracy, but with a major disadvantage: cultural debate had been suspended for nearly 20 years. That long isolation had posed an obstacle not only to incorporating a gender perspective into public policy but also to making other necessary changes to improve the situation of women. Advances in the status of women during the past decade had been made possible by the establishment of the National Office for Women's Affairs (SERNAM) in January 1991. SERNAM was a public agency whose Director held ministerial rank as a member of the Presidential Cabinet. It had an independent budget, which initially had been financed mainly through international cooperation; currently the Government provided 90 per cent of its funding.

4. The Office's mission was to cooperate with the executive branch in designing and coordinating public policy to end discrimination against women in the family, social, economic, political and cultural spheres.

Thus, much of its work was inter-sectoral in nature. At the same time, it proposed reforms of regulations in force. The Equal Opportunity Plan for Women 1994-1999 had been incorporated into the Government's programme and was the main tool for implementing the commitments undertaken at the Fourth World Conference on Women. Much of the progress made was due to the modernization process which the country was undergoing. Along with the economic crisis of the 1980s, that had led to a dramatic increase of women in the workforce and to better health care and family planning services. International organizations had also influenced public debate, which included topics that before had been considered private matters, for example, domestic violence.

5. Among the future challenges facing Chilean women was access to economic opportunities and employment. Although the gap between the proportion of men and women in the workforce had diminished, women still earned, on average, 29 per cent less than men. One of the major commitments of the democratic Governments had been the eradication of extreme poverty, and many poor families had been able to improve their standard of living because of the economic contribution of women. Thus, the National Vocational Training Programme for Low-Income Women, Particularly Women Heads of Household had become a key social programme for the eradication of poverty in Chile. Programmes had also been established for seasonal workers, whose situation was particularly precarious. Labour laws had been extensively amended in order to promote women's equal access to employment, safe working conditions, shared family responsibilities and maternity protection.

6. Education was key to achieving equal opportunity and development. One of Chile's greatest assets was equal enrolment of men and women at all levels of the educational system from primary school through university. Illiteracy had been virtually eradicated, except among older women, particularly in rural areas, for whom adult education programmes had been designed. School enrolment of children 6 to 12 years old was virtually 100 per cent, which represented a marked improvement in rural areas. About 80 per cent of girls between the ages 13 to 19 remained in school. Roughly the same number of girls and boys from low-income families left school early to contribute economically to the household, the boys usually

through paid employment and the girls through housework.

7. In terms of equal opportunity in education, public policy must address the issues of quality of education and discrimination resulting from content and teaching methods. Teachers must also continue to receive training from a gender perspective in order to break out of the pattern of orienting women towards certain fields of study.

8. The prevention of teenage pregnancy was another issue that needed to be addressed more vigorously. Although the fertility rate had declined in Chile, the number of children born to teenage mothers had increased, accounting for 14.6 per cent of all births in 1996. The State was tackling the issue in a comprehensive manner and was taking specific preventive measures in the school system and health services. In that connection, the National Office for Women's Affairs (SERNAM), in collaboration with the Ministries of Education and Health, had launched the special days for dialogue on emotional health and sexuality (JOCAS). By the end of the year, that programme, which was centred on educating young people to take care of themselves and enabling them to take a responsible attitude towards sexuality, would cover 50 per cent of all public educational establishments in the country.

9. Turning to health care and health insurance, she noted that the quality of primary health care in Chile was nearly as high as that of developed countries. The maternal mortality rates was currently 0.2 for 100,000 live births. Moreover, improvements in that area, had substantially reduced malnutrition among children up to six years of age, although during the period under discussion problems of overweight began to appear.

10. Another major public health problem in Chile was induced abortion, which constituted the second leading cause of maternal mortality. It was estimated that 25 per cent of all pregnancies ended in abortion. Abortion in all its forms was prohibited and penalized by law. The medical risks associated with abortion because of the clandestine circumstances in which it was performed, tended to be concentrated in the lower-income sectors. The Government's basic strategy for preventing abortion and reducing its consequences was family planning together with the promotion of the concept of responsible fatherhood, which allowed couples to decide on desired pregnancies and births.

11. The reason for linking health insurance closely with the entry of women into the labour market was the fact that the majority of women were still engaged in household work as their primary activity. Therefore, they had access to the health insurance system as dependants. In 1996, 26 per cent of wives considered as "unemployed" had access to the health system only as indigents. On the other hand, only 13 per cent of the economically active wives had received care as indigents, since, as employees, they had access to their own health insurance scheme, providing them with better health-care options. Thus any policy designed to improve the entry of women into the labour market was a policy that had a direct impact on their options for protecting their health.

12. Turning to participation in public life, she noted that, although more women voted than men, they were not equally represented at decision-making levels. However, the number of women elected to the Congress and municipal posts had increased, as had the number of women in technical and professional posts, the judiciary, media and businesses. Such progress notwithstanding, women still had difficulties in securing access to decision-making positions in the economic and political spheres. No woman had ever served as President of the Senate or of the Chamber of Deputies, nor had any woman served on the Supreme Court. Few women were involved in such issues as national security and macroeconomic policy. On the other hand, they were concentrated in areas of activity relating to education, health, family and justice.

13. Women also faced obstacles acceding to leadership positions in the political parties, despite the fact that they stood as candidates. Affirmative action policies had not been incorporated into Chilean legislation, although they had been applied within political parties. In that connection, a bill proposed in 1997 to set specific quotas for women's participation in Congress had not received the necessary support in Parliament. Moreover, the ongoing modernization of public management had, *inter alia*, made provision for equality of opportunities for male and female public servants.

14. With respect to the institutionalization of gender policies, SERNAM had made considerable efforts to highlight the existence of discrimination and had stressed the need for incorporating the gender perspective into all social activity. The Chilean State, through SERNAM, had also helped to promote the

equality of rights and opportunities between women and men. That was primarily reflected in the number of agreements with various ministries and municipalities, and in the number of inter-ministerial committees in which SERNAM participated either as coordinator or as an active member.

15. SERNAM had also played an increasing role in raising the awareness of civil servants and training them to incorporate a gender perspective into the planning, execution and evaluation of programmes. Moreover, SERNAM was publicizing the rights of women by strengthening the work of Women's Rights Information Centres in all regional capitals. At the same time, SERNAM was publicizing their rights through radio programmes throughout the country.

16. Significant strides had been made in legal and constitutional reforms. The number of reforms enacted had not only had a positive impact on the quality of life of women, but had also improved their situation and reduced the gender gap in various fields. In that regard, on 16 May 1999, the Congress had approved an amendment to article 1 of the Constitution, replacing the word "men" by the word "person" and an amendment to article 19 stating explicitly that men and women were equal before the law. Other laws drafted concerned domestic violence, filiation, property sharing and labour reforms.

17. The bulk of the legislative work had been tackled during the period 1995-1999, when all those laws had been adopted, with the exception of the law on sexual harassment. In developing its legislative agenda, SERNAM had had to take into account the country's conservatism in some sectors, as well as the composition of the Senate, in which the Government did not have a majority, partly because of the designated Senators. The recent constitutional reform was a milestone in advancing the status of Chilean women and was the outcome of the globalization of cultural matters. That important signal in the appropriate use of language must be extended to other areas such as educational institutions and the mass media.

18. The Law on Domestic Violence, which defined such violence as maltreatment affecting the physical or mental health of any family member, was a major social and cultural breakthrough, since women in one out of every four Chilean homes were victims of violence. It had therefore been necessary to establish

legal and social sanctions to penalize such behaviour. Another important result of the Law was the establishment of the Inter-ministerial Committee on Prevention of Violence within the Family. A further major step forward was Act No. 19,585 of 1998, amending the Civil Code and other laws on filiation, which was the most important and radical reform of the century in the area of family law.

19. That law was vital in a country where 40 per cent of children were illegitimate, with all the negative social consequences associated with that condition. Under the new law, all boys and girls would have the same rights of inheritance, support and legal representation. It laid down the principle of free investigation of paternity and admitted all types of evidence, including biological evidence. Other bills still pending related to the issue of women and family law, including one establishing family courts, another dealing with sexual offences, specifically penalizing marital rape, and a bill on adoption.

20. Chile was trying to establish a new gender order that would do away with the one based on discrimination, subordination, political exclusion, violence and the cultural devaluation of women. In that connection, a new plan for equality of opportunity between men and women was being drawn up, covering a period of 10 years, with input from all sectors of society. The challenges of the future included addressing the need for far-reaching sociocultural change that was required to eliminate discrimination, usher in a culture of economic autonomy and equality for women, and promote gender equity. Other challenges included restructuring family life to strengthen the male presence and incorporating the gender-sensitive approach into all public policies.

21. **The Chairperson** congratulated the Government on the bill that it had sent to Congress reforming the Constitution so as to give explicit recognition to the legal equality of women and men (third report, pp. 8-9). That had been a huge undertaking and would inspire other countries to do the same. The Government was also to be commended for having ratified International Labour Organization (ILO) Convention No. 156, and for having adopted the Equal Opportunity Plan for Women, 1994-1999 (third report, p. 12), which provided for training programmes that would be useful in instilling a gender-sensitive approach in public officials.

22. The Government's National Vocational Training Programme for Low-Income Women, Particularly Women Heads of Household (third report, p. 12) would do much to alleviate poverty in the country. The women seasonal workers programme (third report, p. 32) also filled a need, for they were, indeed, a large part of the workforce. Chile's protections for domestic workers would be a good model for other countries as well, since that group of women was often the most disadvantaged.

23. Regarding the childcare facilities for working mothers, for which employers had to pay if they had 20 or more female employees, it seemed that many employers held their workforce down to less than 20 in order to avoid providing such benefits. Perhaps the solution to such a counterproductive development might be to offer the benefits equally to men and women. She wondered whether the land ownership programme for rural women was open equally to women of mixed race and indigenous women, the ultimate aim for all being, of course, access to land of the same size and quality as that to which men had title.

24. The success of SERNAM in so many fields showed that the agency had been well planned, enjoyed political support and had well-defined functions. The Chilean representative had indicated that, since its mission was to collaborate with the executive branch and various Government bodies as the main policy organization for women's issues, SERNAM did not work directly with women. Yet it might be useful to shift the focus towards more direct relations and dialogue between it and the many women's groups and non-governmental organizations in the field, especially bearing in mind the emphasis in Beijing Platform for Action on the link with civil society. The Chilean reports had been oddly silent on the role of women's groups and non-governmental organizations in the country. Chilean women were known to have always had a hand in national development, in the economic, political, social and cultural spheres and the Committee would be interested to know more about what that role had been since the establishment of democracy.

25. The teenage pregnancy prevention programme (third report, pp. 15 and 16) had not achieved the anticipated results, because teenage pregnancy had risen. The explanation for that could only be inadequate sex education and information in the schools or a lack of access to contraceptive methods.

Since girls in Chile became pregnant at shockingly young ages, the problem needed direct intervention by SERNAM and other involved organizations and required contraceptives to be made openly available, even mindful of the influence of the Catholic Church in the matter, in Chile as in other Latin American countries. It should be noted also that sterilization — an extremely personal decision by a woman and one of her reproductive rights — currently required the husband's permission under Chilean law, which the Government should consider mending in that regard. She wondered what action if any had been taken on the pending bill changing the legal characterization, prosecution or punishment of certain sex offences (third report, p. 12).

26. **Ms. Abaka**, recalling the active participation of a gender-sensitive delegate from Chile in the Working Group of the Commission on the Status of Women on an optional protocol to the Convention, said that she hoped Chile would support the Protocol's adoption by the General Assembly and subsequently ratify it. Endorsing the Chairperson's comments on health issues, she observed that the requirement of spousal consent for voluntary sterilization had been added to the regulations at the urging of Chilean public health units. Health providers were apparently unaware of women's reproductive rights and could use some human rights education. The provision contravened article 12, paragraph 1, and article 16 (e) of the Convention. The Government should consider amending that and other regulations on reproductive rights and would find the Committee's general recommendations Nos. 21 and 24 of use as well.

27. Contraception was a problem because of the strong influence of the Church in Chilean society and Government. Nevertheless, the Government had to ensure that all enjoyed the right to good health, including reproductive health and had to act as a secular Government, as was to be expected in a country as highly developed as Chile. In any case, it should not be difficult to legislate access to affordable emergency contraception after rape, which was generally 90 per cent effective.

28. The discrimination against pregnant students who were expelled, was deplorable, and a gross violation of the rights both to equality and to education. A Government as progressive as Chile's surely had the political will to do something about that situation. Even though an earlier attempt had failed, it should try again,

and in the meantime raise the consciousness of the population on the matter. Under article 12, the report should provide information on substance abuse, including the use of tobacco. She assumed that smoking was prevalent among women in Chile and hoped that the next report would say what was being done to deal with the problem.

29. **Ms. Acar** said that the report failed to address an important facet of article 5. In her view, the lesser participation of women in the judiciary, political life and the civil service, and the treatment of women under the law clearly indicated that role stereotyping was a major impediment to the advancement of women in Chile. Unless institutional reforms were accompanied by cultural changes, they tended to waver or even to prompt unintended results. Although, for instance, anti-discrimination employment laws existed, the promotion of women was often barred by cultural attitudes and behaviours.

30. Laws prohibiting violence against women could in fact lead to an increase in violence against them, because men consequently perceived women as a threat to traditional notions of masculinity. It was thus necessary to design programmes for men, aimed at altering the dominant elements of the patriarchal culture. Such consciousness-raising initiatives were especially important in cultures where it had proved difficult to change political structures. She would like to know what measures or programmes Chile had undertaken to sensitize political leaders, community leaders, and relevant social groups with regard to gender equality.

31. **Ms. Aouij** commended the Government of Chile for its frank and transparent report. Likewise commendable were its efforts to eradicate poverty, combat violence against women, and integrate a gender-specific approach to the rights of women into all sectors. She was nonetheless concerned by the problem of teenage pregnancy and the prohibition against abortion, which impaired enjoyment of the rights to education, health, and even life. It was the exclusive responsibility of the State to protect those rights. Programmes should be established to provide young girls with reproductive health education in order to prevent early pregnancies. The Government, which required public schools to re-admit girls after they had given birth, should consider making use of its system of licensing private schools to pressure them to comply. Abortion was a matter of critical importance which

affected the rights to health and life. The question arose why even therapeutic abortion had been banned.

32. Important advances had been made in the protection of those rights that related to family life: all children, whether born in or out of wedlock, were now considered legitimate. Spouses were expected to abide by the principle of shared responsibility; the concept of parental authority had replaced that of paternal authority. The marriage age, although still low, was no longer different for boys and girls, and women were no longer required to obtain permission from their husbands to exercise a profession. And yet, although the bill that would legalize divorce had been endorsed by the Chamber of Deputies in 1997, it had not yet been approved by the Senate. She would like to know the reasons for that delay, and whether they were procedural, cultural or religious. She urged the Government of Chile to redouble its efforts to legalize divorce.

33. **Ms. Cartwright** said she was profoundly concerned by laws and policies that regulated the position of women in Chilean private life. Abortion had been banned near the end of the authoritarian regime, with gravely adverse effects on women. Chile had the highest rate of illegal abortions per capita in Latin America. One quarter of maternal deaths were caused by unsafe abortions, and that number had been steadily rising. Since women were subject to prison terms for having abortions, the requirement that physicians should report abortions that came to their attention in hospitals was likewise dangerous for the health of women. Furthermore, the severe problem of violence against women in Chile suggested that many women perhaps became pregnant through coercion.

34. The Government's efforts to improve domestic violence legislation had resulted in an overcrowded court system; and judges were not selected for their sensitivity to gender issues or trained in such matters. Furthermore, the available information indicated that a massive campaign had been conducted by conservative forces, including the Church, to prevent the approval of the divorce bill. Although legislation regulating the marital division of property and the right to control property during marriage was not currently a major issue, it would assume greater importance after the passage of divorce legislation.

35. Special attention should be given to strengthening the Family Courts, selecting and training judges,

developing sound policies on divorce, abortion and the administration of property during and after marriage, and protecting women's rights regarding the care of their children. Lastly, she wholeheartedly supported the efforts of the National Office for Women's Affairs (SERNAM) and of the Chilean non-governmental organizations engaged in the implementation of the Convention.

36. **Ms. Corti** said that the Chilean Government had made remarkable progress in achieving equal opportunities for women in the nine years of democratic rule. She was impressed by the participation of women in the workforce, the all but complete eradication of illiteracy, and the campaign to eliminate poverty. She strongly believed, however, that in order to gain sufficient power to effect genuine change, SERNAM, whose director was a Minister, must be elevated to ministerial status. That would also lend more visibility to the non-governmental organizations working with it.

37. Like other committee members, she was distressed by the prohibitions against divorce and abortion. Chile should contemplate revising its notions of the right to life, in view of the great numbers of women who died from illegal abortions. Although the Government had endorsed the large public issues raised by such international forums as the International Conference on Population and Development and the Fourth World Conference on Women, it should now turn its attention to protecting women's rights in the private sphere.

The meeting rose at 1.05 p.m.