



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

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**Committee on the Elimination of Discrimination
against Women
Fifty-third session**

Summary record of the 1072nd meeting

Held at the Palais des Nations, Geneva, on Tuesday, 2 October 2012, at 3 p.m.

Chairperson: Ms. Pimentel

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The meeting was called to order at 3.10 p.m.

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

Combined fifth and sixth periodic reports of Chile (continued) (CEDAW/C/CHL/5-6; CEDAW/C/CHL/Q/5-6 and Add.1; HRI/CORE/1/Add.103)

1. *At the invitation of the Chairperson, the delegation of Chile took places at the Committee table.*

Articles 1 to 6 (continued)

2. **Ms. Schmidt** (Chile) said that while the preparations for the present meeting had been based on the State party's core document of 1999 (HRI/CORE/1/Add.103), the information now being provided reflected all institutional and social changes in Chile from 1999 to 2012. In addition, a census had recently been carried out and the results would be incorporated into the core document. Chile had always submitted reports on the implementation of human rights conventions on time; indeed, it had submitted six reports in 2012 alone, in addition to its responses to the Committee's list of issues and questions.

3. Regarding mechanisms to guarantee citizens their right to participation in political and social life, a law had been passed in 2008 on access to public information to ensure public participation in government policies, plans and actions, including the requirement of consultation with civil society.

4. With regard to temporary special measures to combat discrimination against indigenous women, she said that detailed information would be provided at a later stage, but that a number of temporary special measures had already been adopted to help indigenous women, especially those from the Mapuche community. Such measures included a support programme for small business ventures, efforts to combat unemployment, leadership training, social investment, agricultural investment, scholarships for indigenous children and an intercultural hospital service.

5. **Ms. Raimann** (Chile) said that the Supreme Court had investigated the case involving human rights abuses committed by the police (Carabineros) after the illegal occupation of private property which had resulted in children being injured. As a consequence, measures had been adopted to reform police procedures to ensure that the police respected children's rights, in line with international standards. The new procedures would be integrated into police activities when dealing with vulnerable groups such as children and women.

6. **Ms. Schmidt** (Chile) said that a reform of the Chilean prison system was under way to bring it into line with human rights standards. The reform would incorporate a gender perspective and representatives of civil society, academia, the State, organizations working with women prisoners, the public prosecution service, the public defence service and the Supreme Court would take part in the exercise. In addition, amendments to prison regulations, the bail system, prison infrastructure and psychosocial intervention programmes would be considered, particularly with a view to improving the access of women prisoners to income sources and education programmes.

Articles 7 to 9

7. **Ms. Schulz** asked when the study on the reform of the binominal electoral system would be completed, what specific issues it would address and whether those issues included the merits of changing to a different system. Did the State party intend to revert to a system of proportional representation? Were the Constitution and the laws on political

parties, municipalities and transparency, monitoring and election spending limits included in the package of texts that might have to be amended?

8. She requested information on the number of women occupying high-level positions in the civil service and the courts. Was a personnel policy in place at municipal and national levels to implement preferential recruitment, promotion or other measures to increase the number of women in such positions in order to achieve de facto equality? She wondered whether initiatives already taken to help guarantee women a fair chance of participating in political and public life and achieve the State party's target of 40 per cent female municipal councillors by 2015 would suffice, or whether additional temporary or permanent special measures were needed.

9. **Ms. Schmidt** (Chile) said that the 40 per cent target could not be realistically achieved by 2015. As seen in other countries worldwide, economic development led to progress in equality in many areas, but did not help improve women's participation in political life or decision-making; other measures to promote participation were, indeed, required. Chile was taking a number of steps to try to improve the situation, especially in the private sector, which currently lagged behind the public sector.

10. While there were no plans to change the binominal electoral system, the study commissioned by the Government would focus on how to improve the current system and make it more participative. No deadline had been set for completion of the study.

11. Political parties had suggested that one reason for the low level of women's participation was that they were less competitive than men and had less experience with political campaigning. A programme had therefore been launched, in conjunction with civil society and all political parties, to train women candidates in how to be more competitive and enhance their chances. However, the programme would only be successful if there was consistent and cross-cutting commitment on all sides.

12. **Ms. Schulz** asked whether the State party had considered maintaining the binominal system, but doubling the number of seats, with two seats for men and two for women.

13. **Ms. Schmidt** (Chile) replied that there had never been a plan to double the number of seats because it would be difficult to implement. The State party's suggestions were less radical: reserving seats for women only, providing financial incentives to political parties to ensure women were put forward as candidates and introducing quotas.

Articles 10 to 14

14. **Ms. Bailey** said that while the fall in illiteracy rates in Chile was welcome, she wished to know what measures were envisaged to target women in the poorest income quintiles and rural and indigenous women, who continued to be disadvantaged. She requested more detailed information on the 2009 curriculum reform introducing gender mainstreaming in five subject areas. Did teachers at all levels in the education system receive gender sensitivity training? It was a matter of concern that females continued to be clustered in fields of study that led to lower-paid employment and ultimately reproduced occupational segregation and contributed to the wage gap. What steps would be taken to enable women to gain higher-paid employment in fields traditionally considered to be male areas of activity?

15. Despite special protection regulations introduced to try to improve the female dropout rate due to pregnancy and maternity, 80 per cent of all teenage mothers dropped out of school and schools continued to expel and suspend students. She asked what steps were being taken to prevent such discriminatory practices and enforce the regulations to ensure that girls completed their education. What measures were being adopted to address the claims that some sex education curricula failed to conform to human rights standards,

promoted stereotypical gender roles and heterosexuality to the exclusion of sexual diversity and perpetuated discriminatory attitudes? She requested specific details on the regulations governing adolescent access to contraceptives and how they contributed to or curtailed the problem of female adolescent pregnancy and school dropout rates.

16. **Mr. Bruun** asked what measures had been adopted to deal with low female employment and the tendency for women to be segregated in the labour market into self-employment and low-skilled and part-time jobs. The Committee welcomed the State party's new legislation incorporating into the Chilean Labour Code the principle of equal pay for work of equal value. It was concerned, however, that it was not being applied in accordance with the standards of the International Labour Organization (ILO) and that section 62 bis of the law made enforcement very difficult; there were very few cases of complaints about lack of equal pay and wage transparency in the workplace. He asked whether the State party was reconsidering, in the light of ILO criticism, introducing a better, more proactive inspection procedure in that area.

17. He asked what steps would be taken to introduce effective protection against sexual harassment in the workplace and requested a report on the number of cases dealt with thus far.

18. He was concerned that the Childcare Act might create discrimination against women, as it increased the cost of hiring women, and asked whether the State party intended to amend the legislation to include the cost of male workers with family responsibilities in the cost calculations for childcare funding.

19. Lastly, was the State party taking action to improve the situation of indigenous migrant and domestic female workers in Chile? Did it intend to ratify the ILO Domestic Workers Convention, 2011 (No. 189)?

20. **Ms. Arocha Domínguez** sought clarification on whether the ministerial circular on the HIV test for pregnant women introduced in 2006 had legal force. Perhaps having clear, specific regulations for medical staff to enforce when a woman refused to take the test would be better than having to rely on the woman's willingness to do so, as at present. She asked whether doctors were penalized if they failed to adhere to the provisions of the ministerial circular and simply obliged women to undergo the HIV test, or even fraudulently carried it out. Concerning a reported case of a pregnant woman already living with AIDS who had been forced to undergo the test during delivery, she asked whether it was a one-off case or a regular occurrence, and how it was being handled. She also asked what training medical staff working with pregnant women received on how to prevent vertical transmission of HIV/AIDS.

21. Lastly, with regard to the needs of special groups such as women with disabilities and lesbian, gay, bisexual and transgender (LGBT) persons, she wished to know what was being done to ensure that discriminatory practices were avoided and that sexual and reproductive rights were recognized. What training relevant to those issues did medical staff receive?

22. **Ms. Murillo de la Vega** expressed concern at the lack of family planning policies and campaigns, especially given the high rate of adolescent pregnancies. She was also concerned at the lack of national legislation to protect adolescent girls who were using the morning-after pill as a form of contraceptive. She wondered how a country so economically advanced as Chile could have abortion laws that were so archaic and restrictive that it was impossible for abortion to take place even under special circumstances, and a contraceptive system that was failing to prevent adolescent pregnancies and the consequent school dropouts. What was the Government doing to rectify the situation? She asked whether a special protocol existed whereby doctors could report situations of violence.

23. **Mr. Bruun** asked whether the State party had applied a gender perspective in the reconstruction process after the 2010 earthquake. Turning to pension benefits for women, he said that was concerned to learn that Chile used life expectancy as the main criteria for determining pensions. The result was that if women and men retired at age 65 with the same accumulated pension rights, the monthly pension received by women would clearly be smaller than that of men. How could the State party regard that as a policy of equality?

24. **Ms. Bareiro-Bobadilla** said that it was noteworthy, with regard to rural women, that the National Service for Women (SERNAM) was working to defend the rights of seasonal workers. Concerning the discrimination that some women faced — for example, lesbian women, who did not have full access to health services — she said that further information on the initiatives SERNAM might take to provide protection against discrimination and coverage in its programmes for such groups would be appreciated. She would also be grateful for information on measures to ensure that women with disabilities could fully enjoy their rights and on access to health services for high-risk groups, especially women living in poverty.

25. She was concerned about reports of the placement of transsexual women in male prisons and of women being released from prison at midnight, thereby finding themselves in a vulnerable situation.

26. The institutional and sexual violence to which the students arrested in the recent protests had been subjected was also cause for concern. Such violence contravened the Committee's general recommendation No. 19 and article 7, subparagraph (a), of the Inter-American Convention on the Prevention, Punishment and Eradication of Violence against Women (Convention of Belém do Pará), to which Chile was a State party.

27. She would like to know if information on the justice system was available in the Mapuche language, where and how crimes against Mapuche women were prosecuted and what sort of compensation was available to them.

28. Finally, it was essential to strengthen the National Human Rights Institute, which had already achieved significant goals, and to bring its mandate into line with the Principles relating to the Status of National Institutions for the Promotion and Protection of Human Rights (Paris Principles).

29. **Ms. Ameline** asked whether Chile planned to adopt more comprehensive legislation for the protection of migrant workers, particularly migrant women. Since migrant women in an irregular situation could not obtain Chilean nationality for their children, she would like information on the access of those children to education and emergency health care. What was the interplay between the nationality legislation and laws against trafficking in persons? In which employment sectors was Chilean nationality required? Details on the situation of expatriates returning to Chile and their dual nationality rights, in light of the recent constitutional reform, would be appreciated.

30. Finally, what measures were in place, following attempts at regularization in 1997 and 2007, to provide immigrants with residence permits?

31. **Ms. Schmidt** (Chile) said that in Chile, although the courts ruled on a person's release from prison in the afternoon, prison sentences did indeed come to term at midnight, leading to the release of prisoners at that time. However, the release procedure had been modified in 2011, allowing a female prisoner to be released early the next morning if she could not be met by her family at the gates at midnight.

32. With regard to discrimination against lesbian, gay, bisexual and transgender detainees, protection measures had been taken and the prison system was being modernized to ensure that that group was treated equitably and could enjoy its full rights. SERNAM was working to ensure that prison policies comprised a gender perspective and that the

rights of transsexuals in particular, who constituted an at-risk group, were upheld while they were in detention.

33. Although women accrued smaller pensions than men, productive consultations were under way on informing the pension system with a gender perspective. The inclusion of child benefits in the system had led to a nearly 15 per cent improvement in women's pensions, and provision had been made for working women to increase their pensions and benefits through a system to which many women contributed. Women aged 65–69 were in a better situation than prior to the reform.

34. Issuance of a death certificate required a statement of the cause of death and, as abortion was illegal in the country, figures on maternal mortality rates due to abortion were unavailable. However, they could be deduced from the fact that over half of all maternal mortalities were due to identifiable causes, namely causes other than abortion.

35. Act No. 20.418, regulating access to birth control, including the morning-after pill, made it an offence not to distribute contraceptives to any person requesting them, and the administration of emergency contraceptives had recently increased. In 2011, technical support had been provided to health centres specializing in sexual and reproductive health to help women who had undergone abortions.

36. While abortion was criminalized in Chile, no sentences had been passed. A bill to amend the Constitution, which proclaimed the right to life in article 1, had been drawn up and approved for discussion in parliament. However, it had been rejected in the Senate, with a vast majority voting against it in April 2012. In 2011 and 2012, 15 bills to decriminalize abortion had been submitted and 3 of those bills had been discussed.

37. Teenage pregnancy was an issue of great concern because it was the principle reason for school dropouts. Many measures had been put in place, the effects of which had been noted in the decline of rates of teenage pregnancy.

38. **Ms. Santander** (Chile) said that the national health strategy for 2011–2020, available on the Ministry of Health's website (<http://www.minsal.cl>), addressed the issues of HIV/AIDS, teenage pregnancy and contraception. The Ministry of Health was working with the Ministry of Education, the Ministry of Justice and the Department of Internal Affairs to meet those challenges from an intersectoral standpoint. It had taken part in four meetings over the previous two years with the Consultative Council on Gender to identify the main issues on which it needed to focus, and it had incorporated the gender perspective into all its efforts.

39. Under a decree dated October 2011, pregnant women were entitled to be tested for HIV/AIDS. Involuntary sterilization was being closely monitored but no legal proceedings had been initiated. The rate of teenage pregnancy had declined but was still highest among the poorest and most vulnerable sectors of society. Pregnant girls under the age of 14 were the greatest cause for concern, as pregnancy in that age group might indicate a violation of rights; a clinical guide to raise awareness of sexual abuse and provide advice had been drawn up. Under the comprehensive programme for adolescents of the Ministry of Health, adolescents had access to a broad range of services.

40. Challenges still to be confronted included underreporting of domestic violence: advocacy work was being carried out to raise awareness about exposing any violation of rights. Such issues were not confined to the health sector, however: and there had to be a holistic approach, regulation with other sectors and a change in social factors over time.

41. Lastly, men needed to be included in the discussion of gender-related issues in order to achieve progress in that area.

42. **Ms. Schmidt** (Chile) said that a study had been carried out with the World Bank on pregnancy among girls under 14 years of age. Over half of pregnant teenagers became pregnant again within two years of their first pregnancy. Hundreds of cases were being followed up in that highest-risk group. Large numbers of students under the age of 19 were not in school in Chile, but there had been a small reduction in the numbers of students who had dropped out of school in the previous year and preventive measures were being put in place.

43. **Ms. McKay** (Chile) said that the education law prohibited the expulsion of students due to pregnancy and prevented pregnant girls from leaving school. No cases of illegal expulsion from school had been brought before the courts and any cases taken to an office in the Ministry for Education were followed up until they were settled.

44. Act No. 20.418 rendered sex education compulsory in schools, and the Ministry for Education had provided the relevant guidelines for the curriculum. Some aspects of sex education programmes that were not in line with World Health Organization (WHO) standards, such as themes surrounding homosexuality, were being modified.

45. Support measures had been introduced for pregnant students and mothers in order to encourage young parents to remain in schools. In some schools, crèches had been set up.

46. University teacher training incorporated the gender perspective and awareness of gender stereotyping, and teaching material had been assessed to ensure that it was non-sexist. Schools ensured that gender-inclusive language was used, that female figures from history were recognized and that girls were oriented towards the possibility of taking up more male-dominated subjects.

47. **Ms. Schmidt** (Chile) said that her country had made significant progress in terms of recognition of at-risk groups, particularly domestic workers. Efforts were being made to regulate the actual working hours of domestic workers to bring them into line with the working hours in other sectors in the country. Article 19, paragraph 1, of the Chilean Constitution, referring to the inviolability of the home, made regularization of the situation of domestic workers fairly complicated. However, there was ongoing work with unions and civil society groups and progress was being made.

48. While Chile wished to create the best conditions for its domestic workers, ratification of the ILO Domestic Workers Convention, 2011 (No. 189) was hindered by the fact that the Convention was based on the practice of collective bargaining which, in Chile, was practicable only where eight or more persons were employed by a single employer. As that was not the case for domestic workers, they could not benefit from such provisions.

49. The wage gap was significant in Chile, and Act No. 20.348 on equal pay for men and women, which set out rules for the complaints procedure, had been published in January 2010 to address the issue. The latest statistics showed a reduction in the wage gap for some workers from 32 per cent in 2009 to 26.7 per cent in 2011. The average wage gap for other workers had shrunk to less than 17.6 per cent. In 2011, the Labour Directorate had received 15 complaints, but only 2 could be followed up. A two-month assessment to monitor the application of the equality law had been carried out in 2012 and would be repeated in 2013.

50. **Ms. Mangelsdorff** (Chile) said that the Government had taken steps to increase female participation in sectors traditionally dominated by men. A training programme for women in the mining sector had enabled 197 women to be trained as plant workers, truck drivers and heavy equipment operators. Such results represented a dramatic change from the days when women had not been allowed even to enter the mines.

51. Sexual harassment was prohibited by law in Chile. The Labour Directorate, which was the body charged with overseeing compliance with the Labour Code, had increased the

number of staff assigned to carrying out such oversight. Between January 2007 and April 2012, it had registered some 788 complaints of sexual harassment.

52. In 2008, an amendment had been made to the Labour Code requiring employers to provide day-care services to employees with children between the ages of 6 months and 2 years. Yet that provision had the effect of reducing women's participation in the labour market, because it added to employers' labour costs. The President of the Republic had recently submitted a bill to Congress that aimed to reduce the cost of hiring women and to improve access to day care by means of employer contributions to a mutual fund.

53. **Ms. Schmidt** (Chile) said that, if that bill was approved, it would help to eliminate one of the main barriers to hiring women that particularly disadvantaged unskilled female workers, since providing them with day-care services now virtually doubled the cost of hiring them. On a separate issue, the Government was developing a plan of action to address the special needs of women and girls in the context of natural disasters, especially earthquakes.

54. **Mr. Magdic** (Chile) said that Chile had a relatively open immigration policy: the rules for obtaining a residence permit were quite lenient. The Southern Common Market (MERCOSUR) visa, which had been in force for more than a year, was available to nationals from MERCOSUR countries. In the past several years, such persons had accounted for the largest migration flows to Chile. MERCOSUR visa holders could obtain a work permit by showing proof of identity and nationality, even without an employment contract. The residence permit refusal rate in Chile was one of the lowest in the region. Those whose applications were denied often went on to apply for refugee status; roughly one out of every four refugee applications was approved. Despite the fact that the number of persons in Chile with irregular immigration status was low, Chile had taken steps to regularize the status of many foreign residents in order to improve their access to social services. By means of such regularizations, the Government was able to provide for the needs of vulnerable persons, in particular, children and pregnant women. In the period 2005–2011, it had granted nearly 3,500 residency permits to pregnant women. Similar mechanisms had been established for persons who had been victims of human trafficking.

55. **Ms. Santolaya** (Chile) said that a national survey on persons with disabilities carried out in 2004 revealed that nearly 13 per cent of the Chilean population suffered from a disability. Chile had always attached importance to its policy on the rights of persons with disabilities, but added impetus had been given following the recent completion of its initial report to the Committee on the Rights of Persons with Disabilities. Chile had also established a variety of institutions to promote the rights of persons with disabilities, including the National Disability Service and its advisory council on disability, which was composed of representatives of national organizations of persons with disabilities.

56. One of the areas in which persons with disabilities, especially women, faced the greatest discrimination was in education: while 10.8 per cent of men with disabilities had been enrolled in school in 2004, the corresponding figure for women was only 6.8 per cent. Another gender difference concerned the labour market: 44 per cent of all men with disabilities over the age of 15, but only 19 per cent of all women with disabilities in that same age bracket, were gainfully employed. The National Disability Service would continue striving to narrow that gap as much as possible.

57. **Ms. Barros** (Chile) said that Act No. 20.348, which guaranteed equal pay for men and women who produced the same work, required companies to establish an in-house complaints procedure for employees. In 2011, 15 complaints alleging non-compliance with the equal pay law had been registered. Given the low number of complaints, the Government was stepping up monitoring in order to ensure that employees were aware of their rights and availed themselves of the mechanisms provided under the law.

58. **Ms. Schmidt** (Chile), responding to a question posed by Ms. Bareiro-Bobadilla, said that she was committed to supporting efforts to enhance the participation in policymaking of lesbian, gay, bisexual and transgender and other groups that encountered obstacles in exercising their human rights. Within the National Service for Women (SERNAM), steps were being taken to raise awareness among public officials and the police (Carabineros) of the rights of such groups.

Articles 15 and 16

59. **Ms. Halperin-Kaddari** said that she wished to know what obstacles had been encountered to the adoption of a bill before Congress aimed at reforming the matrimonial property regime. In that connection, she requested clarification of the extent to which Chile had fulfilled the amicable settlement agreement relating to a complaint lodged against it before the Inter-American Committee on Human Rights in which the State of Chile had pledged to adopt such a bill.

60. She would appreciate information on the precise provisions of the legislation that related to the economic consequences of divorce under the various matrimonial property regimes. She had received information to the effect that, under the conjugal partnership regime, any property acquired during marriage was considered joint property and was to be divided equally when the marriage ended. If that was the case, she asked whether intangible property, such as pension rights, savings accounts, insurance policies and severance payments, fell within the scope of such joint property. She wondered whether women were provided with information about their rights and the choice of regime available to them prior to their marriage. She would welcome additional information on exactly what was meant by the economic compensation referred to in paragraph 141 of the report. How was such compensation made and how did it relate to the distribution of marital property or alimony to which a woman might be entitled on dissolution of the marriage? The delegation should elaborate on the scope of those seemingly disparate remedies. It should also provide any available data on the extent to which such awards were in fact being issued by courts.

61. Lastly, she wished to know what provisions were made to protect the economic rights of women in de facto unions and whether there was any planned legislation on that subject. If such was the case, she wondered whether consideration was given to including same-sex unions in the provisions of such legislation.

62. **Ms. Schmidt** (Chile) said that the Chilean woman who had filed a complaint before the Inter-American Commission on Human Rights had done so as a result of her inability to sell a house that she had inherited from her parents because her marriage had been contracted under the conjugal partnership regime, which empowered only the husband to sell the couple's property. In the settlement agreement, the State of Chile had agreed to amend the matrimonial property regime in that regard. The bill in question had been designated as a matter of the highest priority and was currently before the Chamber of Deputies: it had been approved by the Family Commission and was currently under consideration by the Constitutional Commission, which had already approved most of its provisions. The main obstacle to its adoption was the confusion prevailing in lawmaker's minds between protection and equality. Given that women had a lower rate of participation in the labour market than men, and therefore lower incomes, some contended that reforming the regime would actually disadvantage women since, under the current regime, they were guaranteed to receive 50 per cent of the marital assets. Despite the priority ascribed to the bill, its adoption was a slow and complex process.

63. The main achievement of the divorce law was that it recognized, for the first time in the history of Chile, the value of the unpaid work of child-rearing by requiring that the spouse who had looked after the children should be compensated for his or her efforts.

Work-related income, such as retirement pensions, was included in the assets to be split equally between the spouses in the event of divorce.

64. **Ms. Barros** (Chile) said that the primary feature of the bill amending the matrimonial property regime was that it granted the spouses equal rights, in particular with regard to the administration of marital assets. The bill also entitled each spouse to administer his or her own property, irrespective of the regime under which the couple had married. Men and women were given information on the various property regimes prior to their marriage. Among the assets included in the regime were all salaries and emoluments, annuities, interest income, the personal assets of each spouse and assets acquired during the marriage.

65. Under the divorce law, following the liquidation of the marital assets, economic compensation was made to the spouse who had cared for the children and the home in the form of a cash award or entitlement to a share of various benefits, such as the spouse's retirement pension. On 17 August 2011, the Government had submitted a bill to Congress on de facto unions, including heterosexual or same-sex unions, which laid down rules on property ownership and inheritance. The bill was currently under consideration before the Senate.

66. **Ms. Murillo de la Vega** said that she was concerned at the fact that women in Chile did not have the right to have an abortion, even in the case of rape. She was also concerned that rape was not defined in the Criminal Code as an offence in its own right, but rather was linked to other conditions, such as the use of violence by the perpetrator or its commission against a girl under the age of 12. In view of the problem of unwanted pregnancies among girls between the ages of 15 and 19, and the possibility that, in some cases, such pregnancies might have been due to rape, that provision of the Criminal Code did not provide adequate protection for women's rights. She asked how many men had been brought to justice for the rape of a minor.

67. She would be interested to know what steps the Government had taken to protect the rights to land ownership of rural women, particularly Mapuche women, who had been displaced as a result of public infrastructure projects. As to reports of abuses committed by members of the police force, the perpetrators should be punished, not merely given training. In view of the Mapuche custom of communal ownership of land, it was unclear why the Government imposed a system of land ownership that required the husband's signature for transferring ownership.

68. **Ms. Bareiro-Bobadilla** said that she was dismayed at the fact that children of immigrant women who were unlawfully present in the territory of Chile and who had resided in the country for many years were considered non-residents, given that there did not appear to be any procedure enabling them to apply for Chilean nationality.

69. **The Chairperson**, speaking in her capacity as an expert, said that she could not understand how, in Chile, which was a democratic country governed by the rule of law, a pregnant woman whose life was in danger, who had been raped or whose foetus presented severe malformations, could not obtain an abortion.

70. **Ms. Schmidt** (Chile) said that, in Chile, the right to life was considered to be a fundamental right. The issue of abortion had been widely discussed and was underpinned by strong beliefs among members of Chilean society. The requirement of the husband's signature for transferring landownership within the Mapuche community derived from the legal requirements of the matrimonial property regime in effect for the couple. She agreed that it was important to amend that law, given its many adverse effects on women's enjoyment of their rights. As far as immigrant children were concerned, the Government was making progress in formulating a new and modern immigration policy.

71. Women in Chile did, in fact, have the right to obtain a therapeutic abortion when their pregnancy became life-threatening, and physicians were required to take all necessary measures to save the mother's life. The medical practice involved in such cases was not an abortion, which was considered to be the deliberate killing of the unborn child.

72. Chile would continue to support the Committee as part of the multilateral system for the promotion and protection of human rights. She thanked the Committee for its comments and for its efforts on behalf of women in Chile.

73. **The Chairperson** thanked the State party for its constructive dialogue. The Committee commended the State party for its efforts and encouraged it to take all necessary measures to continue working to implement the Convention, relying for guidance on the concluding observations that would subsequently be formulated by the Committee.

The meeting rose at 5.30 p.m.