



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

Distr.: General
25 February 2002

Original: English

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

Summary record of the 443rd meeting

Held at Headquarters, New York, on Tuesday, 22 June 1999, at 3 p.m.

Chairman: Ms. González

Contents

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

Second and third periodic reports of Chile (continued)

This record is subject to correction.

Corrections should be submitted in one of the working languages. They should be set forth in a memorandum and also incorporated in a copy of the record. They should be sent *within one week of the date of this document* to the Chief, Official Records Editing Section, room DC2-750, 2 United Nations Plaza.

Any corrections to the record of the meetings of this session will be consolidated in a single corrigendum, to be issued shortly after the end of the session.

02-25274 (E)



The meeting was called to order at 3.05 p.m.

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

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

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

2. **Ms. Ferrer** said that the work of the National Office for Women's Affairs (SERNAM), which coincided with the period covered by two reports, had been highly important in fostering a culture favourable to women's equality in Chile. Its achievements included an impressive list of new legislation. Nevertheless, some important bills and amendments were still pending. She would like to know the status and prospects of the divorce bill already submitted to the Congress by a multi-party coalition. Despite the new filiation law, under the joint ownership regime, the husband continued to be the administrator and legal representative of the conjugal partnership, and parental authority was still automatically assumed to reside in the father, except under certain circumstances.

3. Another area urgently requiring amendment was the law on abortion, which, as a legacy of the dictatorship, did not allow even therapeutic abortions. The result had been a rising number of illegal abortions and associated deaths, particularly among the poorest women, who lacked access to private medical facilities or the option of going abroad. She would like to know the prospects for changing the law, at least to allow abortion for medical reasons. Moreover, the provisions requiring medical staff to report women showing complications resulting from an abortion discouraged women from seeking vitally needed care and violated the principle of medical confidentiality.

4. In the area of pregnancy prevention, the regulations restricting voluntary sterilization to women with four children and requiring the husband's consent were discriminatory. She would appreciate more information on contraceptive use by women and men. She applauded the SERNAM initiative to promote encounters for community dialogue on emotional health and sexuality, but would urge the development of a comprehensive sex education programme

addressed not only to boys and girls, but also to the teaching and health care professions. In view of the large number of adolescents, mostly poor, forced to leave school owing to pregnancy and raise children with inadequate resources, it was evident that programmes involving education, information and access to contraceptives were urgently needed to allow all women to determine the timing and spacing of their pregnancies. In addition, anti-conception measures should be allowed in cases of rape or sexual violence.

5. On the subject of economic equality, the reporting State should clarify the status of legislation regarding equal opportunity in the workplace. She appreciated that SERNAM was dedicated in its efforts on behalf of poor and indigent women and commended in particular its job training and counselling programmes for women heads of household. Yet, despite the reduction in the percentages of the poor and indigent, the income distribution gap had widened in Chile and the feminization of poverty was increasingly apparent. She would be interested to learn how privatization had affected low-income women, particularly with regard to health and education.

6. It would also be of interest to know what impact the Convention had had on the lives of women in indigenous communities. Since Chilean women had demonstrated, notably during the dictatorship, that they were capable, courageous and intelligent, and since they were enthusiastic voters, she was surprised not to see a higher percentage of women in decision-making positions in politics or business and would like to know what plans SERNAM had to address that situation. Lastly, she wondered if SERNAM had any systematic mechanism for working with non-governmental organizations.

7. **Ms. Gabr** said that report of the Chilean delegation had addressed the problems with clarity and frankness, a necessary first step towards a solution. SERNAM appeared to be a useful instrument for monitoring and coordination. Cooperation initiatives like the Fund for Civil Society were good mechanisms for involving non-governmental organizations in equal opportunity efforts, and perhaps more could be done along those lines. Although much had been achieved in terms of legislation, further amendments were needed in the area of family law on the marital regime and on financial support for unmarried mothers. She was interested in learning more about the role of the municipalities under decentralization, particularly with

respect to programmes for women in rural areas, health care and young pregnant women. The reporting country could apply the recommendations of the World Summit for Social Development, to which it had contributed greatly, in addressing the needs of rural and indigenous women, in particular their access to land ownership, credit and collateral.

8. **Ms. Hazelle** said that she, too, would stress the need for more information on family planning services for women and girls and was concerned about the discrimination preventing some pregnant girls from continuing their education. The figures quoted on teenage pregnancy had raised a number of questions. First, the sheer numbers (40,000 children born to teenage mothers between the ages of 12 and 19, 43.6 per cent of whom were unmarried) underlined the need for better sex education for young people. Second, the fact that only 18 per cent of the fathers in those cases were also teenagers suggested that there was serious sexual abuse of girls. The delegation should indicate the legal minimum age for marriage and the legal age of consent and provide statistics on statutory rape and resulting pregnancies.

9. Noting that SERNAM had been actively involved in the drafting of the Inter-American Convention on the Prevention, Punishment and Eradication of Violence against Women, she would be interested to know what steps had been taken to incorporate the commitments set forth in articles 7 and 8 of that Convention into Chilean law and practice, particularly with respect to violence against girl children. She would welcome further information about training for police and other public officials under the National Programme for the Prevention of Domestic Violence and about measures addressing the specific problem of violence against girl children in the home.

10. The Spanish text of the third periodic report (CEDAW/C/CHI/3), in the last paragraph on page 17, appeared to refer to an Ombudsman for Women's Rights (*Defensoría de los Derechos de la Mujer*), whereas in the English text, on page 10, second column, first paragraph, the phrase was rendered less specifically as "defence of women's rights". If there were plans for an office of an ombudsman she would appreciate information on the status of the bill. The reporting State should also indicate whether the proposal had been discussed with non-governmental organizations and whether it was to be an arm of SERNAM or a separate body with its own funding.

11. **Ms. Khan** said that Chile was to be commended on achieving a human development index that placed it eighth among developing countries, a rank it could not have earned without the reduction in poverty rates brought about by women's increased contribution to household income. She wondered, however, whether the surge of women into the labour force had intensified discrimination against them. In view of the many problems faced by women in the workforce, as outlined in the various reports of the State party, including high female unemployment, heavier responsibilities, unstable jobs, unequal pay and inadequate childcare, problems that were particularly acute among poor female heads of household, she asked whether the measures that the Government was taking were adequate. Information on compliance with the legal requirements to provide childcare and childcare leave would also be appreciated.

12. In view of the glaring wage gap, she would like to know whether the Equal Opportunity Plan covered implementation of International Labour Organization (ILO) Convention No. 100 concerning equal remuneration and whether there was an official body on the lines of a wage board to monitor pay levels in the private sector. The wage gap suggested that women were in need of retraining in modern occupations. She would appreciate further information on programmes to retrain women, particularly women below the poverty level, for non-traditional jobs.

13. Reportedly, it was in the labour sphere that the largest number of legal changes had taken place with respect to improving women's access to employment and working conditions. She would be interested in statistics on how many women had benefited from those changes and would further like to know whether there was a strategy for monitoring physical working conditions. Since Chile had ratified the ILO conventions concerning maternity protection and family responsibilities, the State party should report on measures to incorporate and enforce their provisions.

14. On the subject of rural women, she noted that a large percentage of agricultural work was seasonal and asked whether they were covered by unemployment benefits. It was disheartening to see that, under the micro-credit programme of the National Institute for Agricultural Development (INDAP), only a very small percentage of the credit each year had gone to women. The causes should be investigated and remedied. The experience of Bangladesh had shown that a collateral

requirement was the greatest stumbling block. The Committee would wish to know whether women in indigenous communities were covered by the same legislation and regulations on access to employment, education and credit.

15. She was interested in the funding for implementing the law concerning the protection, support and development of indigenous people enacted in 1993 and in the results that had been achieved since it had gone into effect. In that regard, the Committee also wished she was curious to know whether there was any provision for representation by indigenous women in congress or other public bodies and if in fact there was any such representation. Lastly, she stressed the importance of mainstreaming the gender perspective in all development programmes.

16. **Ms. Kim Yung-Chung** commended SERNAM on its efforts and achievements. With regard to the new legislation that it had promoted, she concurred with the delegation in singling out the law on filiation as the most important reform of the century in family law in Chile. Not only did it provide for equal rights in terms of inheritance, support and legal representation for the over 40 per cent of children who were illegitimate, it also embodied the principle of free investigation of paternity using all modern means.

17. With regard to education, on the lowest level, illiteracy had nearly been wiped out, but she was concerned about the drop-out rates from secondary school. While there was little difference between boys and girls, the reasons stated — boys leaving for paid employment, girls because of pregnancy or marriage — revealed no change in attitudes based on traditional stereotypes. She would like to know how SERNAM evaluated its efforts in overcoming such attitudes. In the field of higher education, much more detailed statistics should be provided on women's enrolment, their choice of degree programmes, their presence in faculties as full or part-time professors or lecturers and their disciplines.

18. In terms of employment, she would appreciate data on the number of women at the various decision-making levels in business, including information on the qualifications demanded of them and the training offered to them. Lastly, the reporting State should indicate why the sexual harassment bill had not been passed and what its prospects were. She hoped to hear more on that score in the next report.

19. **Ms. Manolo** asked why the report made no mention of government measures to address sexual harassment in the workplace. She would appreciate clarification of the assertion that promoting women's economic self-reliance was a key to development. Did it refer to women's lack of financial independence or the Government's failure to integrate them into economic life? In view of Chile's high rating on the human development index and its sophisticated educational system, it did not seem possible that Chilean women were a dim presence on the labour market. She hoped that the State party's next periodic report would provide statistics on the number of self-employed women, including those in small and medium-sized enterprises which formed the backbone of the Chilean economy and were often managed by women.

20. She wondered whether the Government had made sufficient efforts to enhance training, networking and human resources development for women in order to facilitate their integration in economic life and whether it should be taking additional measures. The reports gave no information on the health insurance coverage of housewives, based on the value of their work and their contribution to society, nor did it touch on the issue of prostitution. In that connection, she enquired whether prostitution was legal in Chile and whether prostitutes were entitled to health benefits or other protection. She also felt that the reports did not provide sufficient information on measures to combat trafficking in women and girl children. She requested statistics on the number of women infected with HIV/AIDS and a description of preventive measures being taken in that regard.

21. Lastly, she noted that the reports did not give details on draft legislation concerning divorce. Based on the experience of her own country — which, like Chile, had to cope with a macho society, a powerful church and the legacy of a despotic Government — she cautioned that divorce legislation should provide for genuine dissolution of the marriage and the possibility of remarriage. It should avoid double standards and discouraging legal barriers and should guarantee protection for the parties involved, particularly the children.

22. **Ms. Ouedraogo** wished to know whether draft legislation on sexual harassment would be adopted soon and recommended that it should cover sexual harassment in schools and prisons as well as the

workplace. A statistical breakdown between urban and rural women in such areas as health, contraceptive use, average income and education would have been enlightening. It would have been interesting as well to hear about the position of rural women with regard to poverty eradication. Welcoming the involvement of rural women in the formulation of a number of fairly new special programmes and projects for their benefit, she requested further details on the situation which those programmes and projects were meant to address and on their capacity to do so.

23. **Ms. Regazzoli**, speaking as a national of a neighbouring country who had closely followed developments in Chile, stressed that the first mechanism for the advancement of women in a Latin American country had been established by the former President of Chile, Patricio Aylwin. She was pleased that the Government of President Frei was equally supportive of women's rights and trusted that that would also be the case when the new Government took office in the year 2000. The reporting State should provide more information about the unemployment situation and policies to guarantee equal job opportunities for youth in an age of globalization.

24. She also wished to know about programmes for female prisoners, including measures to combat sexual harassment; opportunities for mothers to care for their children; provisions for the care of children born in prison or very young children of female prisoners; and job placement programmes. The Committee would like information on measures to combat violence against elderly women, including at the hands of their children. She supported Ms. Cartwright's recommendation to establish a multisectoral group that included non-governmental organizations to lobby for amendments to Chilean law in such areas as divorce, abortion and the right to confidentiality of medical records and sexual harassment complaints.

25. She echoed other Committee members' concerns regarding the rights of rural and indigenous women, particularly Mapuche women who had recently received a great deal of coverage on American television. The reporting State should indicate whether those women had access to credit, modern technology and job training, and whether they were entitled to own property. It would be useful to know what programmes SERNAM planned to initiate for rural and indigenous women. Lastly, she enquired about discrimination against women by the military and whether women

were entitled to serve in the armed forces. The delegation should describe any policies of SERNAM designed to address that situation.

26. **Ms. Taya**, referring to article 11 on employment, voiced deep concern over the high rate of unemployment among the younger generation, particularly the 20 to 24-year-old age group, and among indigent women. Expressing fear that the sharp division between rich and poor in Chile threatened its very stability and democratic Government, she enquired about the percentage of low-income women actually covered by the Government's vocational training programme. Would the Government implement other measures to assist such women?

27. **Ms. Bilbao** (Chile) thanked Committee members for their comments, which would certainly be taken into account in the preparation of both the second Equal Opportunity Plan for Women and the State party's fourth periodic report. In reply to Committee members' questions concerning the status of SERNAM, she pointed out that its accountability to Parliament, and not only to the Government in office, guaranteed its permanence. While the purpose of SERNAM was to ensure the mainstreaming of a gender perspective in all national, regional and local government entities rather than to implement actual policies, that did not mean that it had no contact with its clients. Indeed, the SERNAM regional Women's Rights Information Centres counselled women, both individually and in groups; briefed institutions on request; and kept abreast of women's needs and concerns, which often led to changes in its overall policy recommendations.

28. In the process of formulating its second Equal Opportunity Plan for Women, SERNAM was attempting to redefine and broaden its already positive relations with non-governmental organizations, in the context of the often complex transition from nearly 20 years of dictatorship to a democratic form of government. In that connection, through its Fund for Civil Society, it provided assistance to non-governmental organizations for the implementation of small-scale projects in various parts of the country. The Fund initially financed under a cooperation agreement with the Government of Sweden, was progressively being taken over by the Government of Chile. In her view, the Government that took office in 2000 would have to continue efforts to reverse the effects of 20 years of military government. It must focus on

increasing grass-roots participation and reducing the inequities that persisted in Chile despite its poverty eradication programmes.

29. **Ms. González** (Chile), elaborating on the reasons underlying the special status of SERNAM, said that government entities in Chile were extremely vertical and compartmentalized, and that there was little interfacing or coordination among them. In that context, SERNAM, was more effective as a horizontal coordinating body than as a self-contained Ministry. She stressed that the SERNAM Director held the rank of Minister, participated in decision-making at the highest levels of government and was a member of various interministerial committees and working groups. The cross-cutting approach of SERNAM had become a model for other government initiatives, including those for indigenous peoples, youth and elderly persons.

30. **Mr. Castro** (Chile) said that the women's health programme, which had begun in 1994, had shifted the emphasis from maternal health to all aspects of women's health, including reproductive health. In keeping with Latin American realities, non-medical personnel were also involved in providing primary health care for women and mothers throughout the country and reducing morbidity and mortality: indeed, there was an emphasis on avoiding excessive "medicalization" of health care.

31. The unitary health system had become very fragmented during the military dictatorship and had been replaced by a decentralized national health service in the 1980s in which the Ministry of Health played a regulatory role without intervening directly in operational matters. Those were dealt with by 28 health authorities, which had a significant degree of financial and administrative autonomy but followed national guidelines set by the Ministry. Primary care was decentralized further to almost 350 municipal authorities providing over 90 per cent of the country's primary health care with the consequent risk of uneven coverage, which the admittedly centralizing, top-down Ministry was working to counterbalance. It was also trying to shift the emphasis away from ad hoc responses to health problems towards a clear awareness of the needs of the most vulnerable, including poor people, rural people and the young.

32. Under the military dictatorship, a decision against abortion had been taken behind closed doors with the

result that abortion figures were a great enigma: 100,000 per year was a frequently heard figure, although the Ministry of Health had some figures suggesting a lower total of about 80,000 per year. The only reliable data in the abortion area were those for hospital visits attendances, which seemed to show that declared attendances for purposes of abortion were dropping, as were visits resulting from abortions performed elsewhere and their associated morbidity. However, the figures were muddled because they included spontaneous abortions. The abortion figure was still painfully high by any measure, however, and obviously further efforts were needed to reduce it and would be taken.

33. The Ministry had carefully set health care priorities for the 1997 to 2000 period, including sexual and reproductive health, which in turn included a programme area on reducing teenage pregnancies. Chile had over 30 years of experience with family planning, which was the main strategy for combating unwanted pregnancies of all kinds. However, the Ministry was looking also at more specific ways to protect the groups at highest risk for abortion, as identified in a national survey, with more focused health care, including counselling and contraceptive services. It was looking also to reduce the incidence of women having more than one abortion by focusing on informing and educating women when they came in for a first abortion.

34. In the Penal Code, abortion practitioners could be guilty of a criminal offence, but in actual fact only the most serious cases, in which women had died or been at serious risk, were pursued. The medical profession notified the authorities only in cases that were so serious for the woman as to warrant investigation. In Latin American terms, Chile had made strides in maternal and child care: infant mortality was down to 10 per 1,000 and maternal mortality was down to 20 per 100,000. The decrease was mainly attributable to Chile's family planning policy, which had been in force since 1965. Up to 1995, the family planning programme had benefited from donations from the United States Agency for International Development (USAID), but since then there had been a problem of finding resources to purchase contraceptives. Indeed, the lack of support from international donors was threatening the medium- and long-term sustainability of the family planning programme and jeopardizing any possibility of expansion.

35. The number of unwanted teenage pregnancies, defined as pregnancies among women under 20, had increased slightly in relative terms, although it had remained stable in recent years in absolute terms. In 1991, the Ministry of Health had circulated a recommendation to schools not to expel pregnant girls. That policy was still in place in the public education system, but the private system was unfortunately not applying it, which was their right, although the problem of unwanted teenage pregnancies was more widespread there.

36. The problem of unwanted pregnancies amongst low-income young single mothers obviously needed a comprehensive approach and had therefore been addressed by an interministerial committee for sex education and the prevention of pregnancy amongst teenagers through the series of special days for dialogue on emotional health and sexuality (JOCAS). In that way, taboos had gradually been broken down so that sexuality amongst young people could be discussed directly by young people themselves and the adults around them, specifically their parents and teachers. In addition, the JOCAS had made sex education information available to young people and had also helped educational institutions deal with the problem by focusing activities in schools and also in the community. Health workers, including psychologists, doctors and school matrons, were promoting those activities in educational institutions and the community and bringing the health message to young people in the interests of developing comprehensive health care for them.

37. Also as a result of the JOCAS, a special group had prepared a national health policy specifically for teenagers and young people which had as its guiding principles respect for the individual; respect for autonomy and for the right to informed consent and confidentiality; respect for diversity; provision of care according to need; and respect for young people's freedom of choice when there was a conflict with adults. The principles included also an emphasis on prevention and respect for young people's sexual and reproductive rights. The Ministry of Health was at the final stage of developing guidelines incorporating those principles and was working also on finalizing technical standards for the abortion area.

38. The Ministry of Health shared the Committee's concerns about the restrictive rules on voluntary sterilization, which had originated, without discussion

and from the top down, during the dictatorship. Thus, female sterilization required authorization from the woman's husband or a medical committee. The Ministry of Health was reviewing the issue, and together with other Government agencies and civil society bodies, a new set of regulations had been developed that focused more on women's rights in a free and informed manner. The choice of whether the man or the woman was to be sterilized was left to the couple. Unfortunately, reproductive health services were currently not available for men in Chile. The degree of participation and responsibility on the part of men in terms of reproduction and sexuality needed to be improved generally. He expressed the hope that Chile's next report would indicate that the problem of sterilization rights had been solved.

39. The Ministry of Health was well aware of the need for emergency contraception and had recently developed guidelines, in collaboration with the Ministry's mental health unit, on its use for victims of ill-treatment and abuse, particularly for young girls. However, the Ministry had come under great pressure from the Church, which wanted the use of such contraceptive measures discontinued in various instances. Legislation was nevertheless due to be adopted shortly; it would address health sector matters but would be prepared in cooperation with the Ministry of Justice and the National Office for Women's Affairs (SERNAM) since many of the statistics on sexual abuse involved women. It was hoped that the Ministry of Health, the Ministry of Justice, SERNAM and the other social sectors concerned would be able to support the proposed legislation.

40. Gynaecological health monitoring for sex workers aimed primarily at preventing disease: those involved had free access to specialized health services to prevent, treat and monitor disease. A national commission on AIDS monitored the male population, which so far had been more affected, but a significant number of women suffering from the disease had contracted it from their male and supposedly monogamous partners.

41. Tobacco use amongst women, who were at risk of hormonal and reproductive problems in addition to cardiovascular and other acute and chronic disease as a result, was being monitored by a technical unit of the Ministry of Health which covered also alcohol and drug abuse. A number of strategies to combat smoking had been developed. Tobacco use had indeed increased

amongst women in recent years, but education campaigns against it were ongoing and it was hoped that they would reduce the risk.

42. **Ms. Feres** (Chile) said that women's participation in the economy should be viewed in the context of the economic realities of a developing country: many of the problems that women had in the labour force were shared by other social groups and indeed by their male counterparts. Economic growth had averaged about 7 per cent per annum over the past decade, but it had ground to a halt with the advent of the Asian financial crises and had gone into reverse over the past quarter. The recent economic reversals had revealed a number of pre-existing problems that had been masked by high growth. Nevertheless, job creation was averaging 100,000 per year, with women benefiting disproportionately in that their participation rate was rising twice as fast as that of men. Overall productivity growth, however, was not as high, at 4 per cent per annum, and there were significant skill shortages.

43. The labour market in Chile was flexible and relatively deregulated, but employment was unstable, with low unionization rates under 11 per cent of the total workforce and even lower rates amongst salaried employees. Trade unions were therefore not a major force in Chile. Overall participation by women was about 36 per cent but was unevenly spread. Age was a factor: women between 25 and 54 made up 46 per cent of those currently employed and their number was rising. Education was another factor: the participation rate amongst women with three years or less of formal education was 16 per cent, and stood at almost 70 per cent amongst women with 17 years or more of education. Unmarried women were much more likely to be working, and women with two or more children much less so.

44. There were therefore two problems facing women in terms of access to the labour market: training and child care. Training was offered to poor women, particularly those who were also heads of household, of whom there were some 59,000: over 60 per cent of that group were in the labour market for obvious reasons. SERNAMEC and the national training and employment service were aiming to provide 300 hours of training per person for some 6,000 of those women per year, coupled with economic support and child care. The current Government also intended to provide training for some 80,000 young people per year by the end of

its term of office, of whom some 35 per cent to 40 per cent would be young women.

45. Training was provided free of charge to employees. Employers could offset about one per cent of their payroll costs against the cost of the training that they provided, which would be reimbursed through fiscal channels. However, after eight years employers were taking up only about a third of the funding available, so the Government was considering changing the relevant legislation so that small and micro-businesses could provide training for their employees without waiting until the end of the fiscal year to recover what they had invested. Employers could also conclude "training contracts" with employees for training before the employee took up an employment contract proper or after the end of an employment contract. Such training contracts were independent of any employment contract and the costs of training were again financed through central funds. Like all other aspects of the Government's training policy, that scheme too was designed to help the most vulnerable groups in society, namely young people and women.

46. Most of the recent labour law reforms involved women's working conditions, which had improved somewhat, although the Government recognized that the working class as a whole encountered the problem of job instability in the workplace. Nevertheless, the worst affected were women, and the general labour law reforms therefore benefited a larger number of women than men. The ban on night work by women had been abolished, and a third of women in Chile worked at night. The legislation governing working hours had also been amended, particularly in sectors where there was a high proportion of women workers and very low pay: the retail sector, catering, domestic service, the textile industries, fisheries and the agro-industrial sector. In the last sector, much work had been done to alter the regulations governing the use of chemicals and pesticides, with particular relevance to women. There was also non-discrimination legislation, but, like the other reforms, it too was difficult to enforce.

47. There were two ways to safeguard women workers' rights: through public administrative measures or legal action in the courts. The Government believed that it had done a great deal of what was possible on the administrative side. The rest had to be carried out by the courts, and no headway had been made at the highest level there in terms of ensuring

non-discrimination in the workplace. The Government had tried to change the legal framework but was constrained by the separation of powers. Nevertheless, the lack of progress in the courts did not mean that the Government was not trying to make women aware of their legal rights: a wide-ranging campaign had been organized towards that end by SERNAM and the Ministry of Labour. A joint investigation and enforcement exercise was currently under way with the International Labour Organization (ILO). Still, bearing in mind that Chile had no legislation to impose a statutory minimum wage or equal pay for equal work either for women or for men, it was very difficult to determine what the wage differentials between the sexes actually were.

48. The bill on sexual harassment, which had been pending since 1995, focused exclusively on harassment in the workplace. Apart from lobbying Parliament, SERNAM had also been active in raising awareness of the issue among employers and employees. Labour standards for maternity protection had been in place since 1924. The law stipulated that employers with twenty or more female employees must provide access to free childcare facilities. Regrettably, employers frequently used that stipulation to justify employing fewer women or to explain wage gaps between male and female employees.

49. The Government was currently considering increasing funding for childcare to promote women's participation in employment and further training. In that regard, it was also vital to take account of the needs of women in precarious employment, given the change in work patterns. Some progress had already been made. One bill provided childcare coverage for the children of female public officials. In commercial centres, where a large proportion of employees were female, the onus would be on the centre, rather than the employer, to provide childcare facilities.

50. Health insurance in Chile was provided by private companies, which tended to charge higher premiums for women, since women lived longer and had higher health costs. Such companies, bound as they were by market forces, also discriminated against low-income workers. The Government had sought to address the situation by reinforcing regulatory mechanisms and ensuring that all unemployed and low-income women were covered by a national health fund. The public health system was being continually improved and was

likely to meet private sector standards within five years.

51. Chile's private pension scheme, which was based on individual savings, had been in place for more than 15 years and had been emulated by a number of Latin American countries. The scheme had, however, been designed for workers likely to hold a job for life, and, in view of the increasing precariousness of female employment, was currently under ministerial review.

52. **Ms. Bilbao** (Chile) said that although Chile still had no law on divorce, a bill on civil marriage covering annulment, separation and divorce was likely to become law by the end of the year. The aim of the bill was not to make divorce easy, but to provide protection for women and children. Under the new law, minors below the age of 16 would not be allowed to marry, even with the consent of a parent. It was also to be hoped that the bill on sexual harassment would finally become law in July of that year.

53. In prisons, provision was made for infants below the age of two years to live alongside their mothers. Rehabilitation programmes sought to facilitate later reintegration of female prisoners into society. Women's participation in the armed forces was being improved, as indicated on page 19 of the report. Moreover, the first female pilots would be entering the air force the following year. Women were not admitted into the navy in view of the problem of having men and women serving together on ships. Some 7.2 per cent of girls dropped out of junior education, compared to 7.7 per cent of boys. At the secondary level, the corresponding figures were 5.2 and 5.1 per cent. The main reason why children dropped out of school was poverty.

54. Finally, the delegation was pleased to point out that an equal opportunities bill, which was currently pending, provided further protection for women's rights. In future, representatives of the judicial and legislative branches of government should also be invited to appear before the Committee, since the three branches of power were quite separate in Chile. As representatives only of the executive branch, the delegation could not oblige the rest of Government to comply with the Committee's recommendations.

55. **The Chairperson** stressed that the Chilean Government itself should determine its representation before the Committee and comply with its recommendations as part of Chile's international obligations. The State party was to be congratulated on

a wide range of achievements in the field of women's rights and equality, much of which was thanks to the tenacious efforts of SERNAM, inter alia to promote relevant constitutional and legislative reforms. The new law on filiation was particularly welcome, as were plans to address domestic violence and sexual harassment and to establish family courts. The State party's programmes for promoting equality, combating poverty and increasing women's access to employment and education might serve as models for other countries.

56. Women's autonomy in the family should be enhanced so that they might fully exercise their human rights as individuals, on an equal basis with their spouse. Areas of concern included the high rate of unemployment among young women, the problem of teenage pregnancy, which affected a number of other rights, including the right to education, and the abortion and sterilization issues. It was also to be hoped that the State party would continue its efforts to improve the situation of rural, indigenous and other vulnerable women, including female prisoners.

The meeting rose at 6 p.m.