

ARE APPEALS TO HUMAN RIGHTS AN EFFECTIVE FRAMING FOR FEMINIST 'PRO-CHOICE'
DEMANDS IN CHILE?
A FEMINIST CRITIQUE

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Abstract

My central question asks to what extent the politics of the interpretation of the human rights discourse acts as an obstacle to the legalisation of abortion. To answer this question, I set out the theoretical basis for the feminist critiques of the human rights discourse and its effect on women's rights. I contend that those in control of informal and formal institutions have control of the interpretation of human rights. I situate this within the historical context, analysing the formal and informal institutional obstacles to feminist policymaking and activism. I analyse the gender ideology that underlies the "pro-life" discourse, and explore the mechanisms by which the "pro-life" sector ensures its cultural hegemony, arguing that what occurs in civil society (informal) shapes the formal and informal institutional responses to sexual and reproductive rights. I then assess how this discourse and gender ideology is reflected in the content of political projects related to abortion, thereby highlighting how informal institutions *inform* formal responses. I conclude by examining the tactics of a section of the radical branch of the feminist movement in Chile today and the innovative measures they utilise in order to challenge, deconstruct, and destabilise the conservative control of the informal institutions of gender norms that shape responses to issues of sexual and reproductive health in Chile. This research is intended to add to analyses seeking to assess the interplay between informal and formal institutions, and the potential this has in isolating entry points for advocacy and activism. I argue that the way to legalisation must proceed via shifting the discourse.

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List of Abbreviations

APROFA - Association for the Protection of the Family
CASEN - Survey of The National Socio-Economic Character
CCD – Catholics for the Right to Decide
CEB – Ecclesiastic Based Communities
CEDAW – Convention on the Elimination of all forms of Discrimination Against Women
CEM – Circle (and later ‘Centre’) of Women’s Studies
CEMA – Centros de madres / Mother’s Centres
CEPAL – The United Nations Economic Commission for Latin America
CFL - Coordinadora de Feministas en Lucha
CNMD - National Coalition of Women for Democracy
CUDS –University Collective for Sexual Dissidence
DC – Christian Democratic Party
DEVAW - Declaration on the Elimination of all forms of Violence against Women
EC – Emergency Contraception
FLACSO - The Latin American Faculty of Social Sciences
FI – Feminist Institutionalism
IBHR – International Bill of Human Rights
IUD – Intra-uterine device
ICCPR – International Convention on Civil and Political Rights
ICMER –Chilean Institute of Reproductive Medicine
ICTs – Information and Communication Technologies
ISFEM – Investigation, Formation and Study of Women
JOCAS –Workshops of Conversations about Affection and Sexuality
MEMCH(83) – The Movement for Pro-Emancipation of Chilean Women
MIDEPLAN – Ministry of Cooperation and Planning
MINSAL – Ministry of Health
NGO – Non-Governmental Organisation
PPD – Party for Democracy
PS – Socialist Party
SENAME – National Ministry for Youth
SERNAM –National Service for Women
SNM –National Secretariat of Women

SRH – Sexual and Reproductive Health

UDHR – Universal Declaration of Human Rights

UDI – Independent Democratic Union Party

UDP – University of Diego Portales

UNDP – United Nations Development Programme

UNHCR – United Nations High Commissioner for Refugees

UNHRC – United Nations Human Rights Council

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Introduction

'Motherhood is not a biological function. Rather, its characteristics are culturally defined, and mutate across class, generation, race and ethnicity' (Craske, 1999: 9)

'While Chile sees itself as a country that has fully restored human rights since 1990, sexual and reproductive health policies, programmes and public discourse lack a consistent human rights and gender focus' (Ahumada and Casas Becerra, 2009: 92)

Motherhood is the political ideology of the biological function of reproduction. It is policed by states, politicians, laws, the judiciary, the police, doctors and nurses, priests, community leaders, and society in various forms. It is possible to witness the control of women, their bodies, their sexuality, their health, their futures and their autonomy in the field of sexual and reproductive health (SRH). After 25 years of democratic government, abortion remains illegal under all circumstances in Chile and is regulated through a variety of laws (see appendix 1). Therapeutic abortion had been legal in Chile throughout the 20th century until a law passed by the outgoing dictatorship in 1989 outlawed abortion under all circumstances. The underlying purpose of this thesis is to understand why abortion remains illegal. The debate around abortion in Chile is largely and increasingly framed by the language of human rights – therefore, my central question analyses the politics of interpretation of the human rights discourse; I question to what extent this acts as an obstacle to the legalisation of abortion, arguing that those in power of the interpretation of human rights shape the content of the sexual and reproductive rights debate. This research is intended to add to analyses seeking to assess the interplay between informal and formal institutions, and the potential this has in isolating entry points for feminist advocacy and activism. Feminist Institutional theory differentiates between two central forms of institutions: informal institutions such as gender norms, roles and attitudes, which are largely socially sanctioned and formal institutions such as the criminal justice system, laws, state policies, which are largely enforced by the state. I argue that the way to legalisation must proceed via shifting the mainstream discourse (in the media and thus in political discussions). In order to support this argument, I examine the work and tactics of a section of the radical feminist movement(s) in Chile today and the innovative measures those activists utilise in order to challenge, deconstruct, and destabilise the conservative control of the informal institutions of gender norms and rights that shape responses and debates around issues of sexual and reproductive health.

Unlike the 'pro-choice' movements of Spain, which was also a dictatorship in the 20th century, and the Netherlands, which despite being a democracy outlawed abortion until 1984, Chile's 'pro-choice' movement has not been able to forge cross-class solidarity. Chilean society is hugely

divided along class lines, in addition to this there is, at best, only a moderate murmur of support for therapeutic abortion. Chilean society is generally considered to be (at least outwardly) conservative; in addition, levels of religiosity continue to shape attitudes towards gender roles, which show no signs of significant thawing as different branches of Evangelical churches continue to gain popularity across Chile and Latin America. Parallel to this, Chilean society is subject to a highly organised and influential network of economic and conservative elites who control the traditional mediums of communication, dominating society and shaping the content of media. This leaves very little room for visible public dissent. All of the above factors make Chile a unique case study; coupled with the growing use by radical feminist activists of ICTs along with proposed structural reforms, this research highlights the potency of new forms of activism and the importance of a focus on subverting informal institutions. This research therefore has implications far beyond the case study of Chile and the issue of abortion.

i) Original Contribution

As Feminist Institutional theory argues, there is interplay between formal and informal institutions; both types of institutions influence the formation of each other to varying degrees (Waylen and Staab, 2014). Much work has been done on the limits to feminist policymaking in the area of SRH (and more specifically abortion) resulting from formal institutional obstacles. I therefore focus my analysis on the role of informal institutions and their impact in order to isolate potential entry points for structural reform on issues of SRH and gender. Developments in feminist movement tactics, paired with modern technologies utilised by social movements worldwide, have prompted the need for new analyses that consider their potency. I argue that although autonomous activism is by no means new, the tactics, and their potential to reach beyond previously insurmountable boundaries, are. This research seeks to address this gap and enrich our understanding of the impact of informal institutional change and new forms of generating such change, and the resultant implications for the long-term success of structural reform.

The research carried out for this thesis provides an original reassessment of the Chilean feminist movement(s), incorporating radical feminist groups into the analysis, which are largely overlooked within this scholarly debate. These radical autonomous groups are using new tactics in seeking to address the informal institutional obstacles of patriarchal gender norms and practices.

Franceschet argues that the autonomous feminists 'have lost much of their capacity to influence the direction of the movement, in large part because they have chosen to exclude themselves from arenas in which they could be more visible' (2005: 140) and that the autonomous movements have 'relegated themselves into virtual irrelevance' (2005: 153). I argue, however, that this analysis depends on how we measure their success; these groups have purposefully chosen the autonomous arenas in which they agitate in order to work towards the dismantling of informal institutions and to challenge these norms from the outside, as exogenous change. If we measure them as such (by their stated aims) then our conclusion will be very different. Franceschet's analysis of the feminist autonomous groups focuses on popular, rural and indigenous sectors who

'reinsert socioeconomic issues into debates about citizenship...this is critical because, historically, patterns of citizenship in Chile have reinforced inequalities based on class and ethnicity as well as gender. Unfortunately, the process of rearticulating links and remobilising around explicitly feminist themes has not yet occurred' (2005: 141).

My research analyses the emerging radical, largely urban, feminist groups who address explicitly feminist themes whilst addressing the racial and economic inequalities that shape access to SRH, by using innovative tactics and communication technologies, breaking boundaries once considered insurmountable. Franceschet argues that one of the most important challenges that the women's movements in Chile face today is 'regain[ing] a more proactive role in setting the public agenda with respect to feminist issues' (2005: 143). I argue that central to this the challenge is shaping the attitudes towards, content of and context of the agenda; i.e. in changing the informal institutions that shape the agenda. I argue this because, since the return to democracy (specifically from 1994 onwards), there have been several attempts to legalise therapeutic abortion, to introduce a reproductive rights framework, and a number of other feminist projects (divorce, femicide, intra-family violence to name a handful). The agenda, one could argue, has been set time and time again. We must therefore turn our attention towards the informal institutions of gender norms and attitudes towards reproduction that shape and limit the debate surrounding abortion and reproductive rights in Chile.

A complex web of obstacles contributes to the prohibition of the decriminalisation of abortion (Guzmán, Seibert, and Staab, 2010). Gideon (2014) notes the ways in which institutional, material, and political dimensions intersect to prohibit change. Shepard argues that the escape valves in Chilean society that allow for 'private accommodations to repressive policies, leaving the official

legal and/or religious norms untouched' have the effect of reducing the social and political pressure for policy advances (2000: 113). Many commentators note the continued influence, both direct and indirect, of the Catholic Church in Latin American policy making in general (Betances, 2007; Klaiber, 2009; Htun, 2003) and in opposing feminist policymaking in particular. Both Blofield (2006) and Haas (2010) note the influence of the Catholic Church in the media both in ownership of and shaping content as a 'powerful tool for shaping public opinion on social and political issues' (Haas, 2010: 46). All commentators agree that it is difficult to isolate a single reason as to why abortion has yet to be decriminalised. Instead, it is more useful to see the obstacles as overlapping and in this way we can begin to see entry points or 'implications for advocacy' (Shepard, 2000: 129), from which to advocate for change. Shepard argues that one possible strategy to increase the political will for change is 'using both public health and ethical arguments' (2000: 131). As I argue in this thesis, however, based on interviews carried out during 2011-2012 and a variety of secondary sources, one of the key entry points is the very discourse (informal institution) used to frame the "pro-life" and 'pro-choice' arguments around health and ethics.

Regarding the application of the individual human rights discourse in the abortion debate, Shepard argues that,

'this type of argument falsely pits rights against rights, resulting in stalemated discussions...women's rights against those of foetuses. In Latin America, however, the Catholic doctrines of human life and rights beginning at conception and the inadmissibility of premarital sex are embedded in these arguments, so that it is useful for sexual and reproductive rights advocates to deconstruct them to show their basis in one dominant religion's doctrines' (2000: 133).

The strategy she suggests for overcoming the barriers of political and cultural resistance to abortion is 'to present rights-affirming voices in the mass media' (2000: 134). This is similar to the strategies used by two of my case studies, the independent and radical feminist groups Linea Aborto Chile and CUDS. It is similar because neither group uses the language of rights in their traditional conceptualisation; they fuse lesbo-anarchic philosophies with elements of rights based claims, in order to enrich the discourse around issues of women's sexual and reproductive health incorporating intersectional¹ inequalities, with the aim of shifting and expanding the interpretation of both human rights and women's rights.

¹ Intersectionality is a term first coined by Kimberlé Crenshaw, a legal scholar who argued that Black women were not sufficiently protected under discrimination laws that focused on only one type of oppression (Crenshaw 1989).

ii) Purpose of the Thesis

The primary aim of this thesis, put simply, is to build upon the significant body of research that seeks to answer the question of why abortion is illegal in Chile. In post-dictatorship Chile, the language of human rights has become part of the national discourse; how then are conservative sectors able to deny half of the population (women) important sexual and reproductive rights, and the connected rights to mental, physical, economic etc. equality? This selective application of the rights discourse highlights the interpretivist nature of human rights; the interpretation of what constitutes protection under the human rights rubric is open-ended, and certain sectors of society have more influence over the interpretation than others, as well as of the subsequent dissemination and protection/enforcement. This research has application beyond the case of abortion and sexual and reproductive health in Chile; analyses that assess the structural value of informal institutional change on formal responses can be applied to a variety of social issues such as marriage, divorce, gay rights etc.; issues which have historically been faced with fervent conservative opposition.

It is often quoted by “pro-life” advocates that there is no need for legal abortion in Chile due to the low rates of maternal mortality. It is further argued that therapeutic abortion does indeed exist in Chile in the form of ‘indirect abortion’ (such as chemo-therapy which may kill the foetus), which is sanctioned by the Catholic Church. However, ‘pro-choice’ advocates argue that this procedure is rarely granted to women and continues to place decisions of women’s health and choices in the hands of medics. According to Human Rights Watch, ‘an estimated 160,000 abortions occur annually in Chile’ (this figure is corroborated by the Alan Guttmacher Institute). Chile's population is approximately 17 million, ‘of which 27 percent is under 15 years old (2002) and unsafe abortion accounts for an estimated 25 percent of maternal mortality (2004).’ Further, as a result of conservative opposition, there is no comprehensive system of sexual education in the public education system. In addition to these statistics there is a hidden reality of trauma, notably the adverse impact on women’s health that the insecurity of illegal abortion creates. Many women now use Misoprostol to abort (a drug originally intended for use in the treatment of gastric ulcers), however, the sale of this drug is illegal and women face much uncertainty in obtaining it. All of these issues are arguably exacerbated by poverty, and often, poorer women suffer the harshest consequences of illegal abortion. Studies have shown that poorer women are the most likely to be criminally prosecuted for abortion (Casas, 1997) and are less likely to be able to afford Misoprostol. However, attitudes in society in support of the decriminalisation of

abortion are gradually increasing; my analysis of radical feminist movements shows that meaningful and influential political mobilisation around this issue is possible. A critical feminist analysis that illuminates the gender ideology behind the abortion (and wider SRH) debate is crucial to this research and its practical application, and to the future of academic work in this area. As Haas states, 'comparative research has shown that national culture is an important variable in the political viability of proposals to promote women's equality. Religion, in particular, has played an important role on framing public debate on contentious policy issues' (Haas, 2010: 45).

In her analysis of the anti-dictatorship era women's movement, Baldez (2002) refers to the 'tipping point' that triggers the mobilisation of women around political goals. She argues that this relies on two elements being present: partisan realignment, and the decision by women to organise around and frame their resistance in terms of gender. The groups studied in this thesis are examples of social actors forging informal institutional change through social movement activism – not by waiting for formal institutional change. This idea of a 'tipping point' that is necessary for social change is important for the purposes of my analysis and supports the argument that when feminist movements unite around issues of gender and base these demands around a critically deconstructed gender ideology, then reform is possible. Haas also notes that 'public opinion polls in favour of reforming abortion law have bolstered congressional efforts to expand reproductive rights in Chile' (2010: 48); this point is corroborated by research conducted by Blofield (2006). Consequently, changing public opinion is paramount to long-term structural reform. The subsequent issue is how do we create such widespread mobilisation? I argue that the new and innovative ideology and tactics applied by radical feminist groups such as CUDS and Linea Aborto Chile have the potential to reach beyond traditional boundaries, helped by the evolution of new forms of Information and Communication Technologies.

The purpose of concentrating specifically on the issue of abortion, when arguably my analysis of challenging and uncovering the underlying gender ideology can be applied to several feminist issues such as marriage and divorce, is that whilst changing mainstream gender ideology is key to all feminist aims, abortion requires the challenging of the ultimate bastion of patriarchy: the control of women's bodies. As a consequence, debates about abortion are particularly contentious: the stakes are high for both would-be users of abortion and patriarchal conservatives. Also, sexual and reproductive health affects differently situated women in very different ways, which cannot be said to the same extent for issues such as violence against

women, rape, divorce, sexual harassment, femicide, rights over children, etc. which affect women across divisions of class, race and ethnicity alike. This raises a key issue of the lack of solidarity across cross-based and racial divisions in relation to abortion (and SRH) in Chile. In this thesis I argue that the interpretation of human rights by those in control of shaping informal institutions creates a situation in which abortion is not seen as an issue of women's rights, but of protecting an innocent defenceless foetus. This discourse silences the experiences of poorer women by limiting the scope of the debate to one of foetal rights. I argue that this is due to the dissemination of a "pro-life" discourse in which foetal rights are given precedence over the rights of women, and is linked to a gender ideology which places emphasis on women's natural, maternal responsibilities. Little cross-class solidarity has been forged on this issue that continues to be viewed as a taboo subject, and not an issue of gender (and economic) inequality.

Whilst the obstacles created as a result of conservative-led opposition remain, and the political (formal) institutions continue to impede feminist policymaking, many involved have posed the question as to how the situation can change and how to isolate the entry points for advocacy on issues of SRH. Central to my analysis is Jane Jaquette's argument that a rethinking of what is considered 'political' is required in our analyses of movement politics (1994). Several of the autonomous feminist activists interviewed as part of this research identified their work as direct action; action intended to empower citizens with knowledge of their rights and the inequalities which they face, to equip people with the critical knowledge required in order to challenge the informal institutions of gender norms and attitudes which shape their lives, and subsequently their access to SRH. The political activism of these feminist groups is explicitly targeted at the informal institutions; however, these groups emphasised the interconnectedness of formal and informal institutions and the potential reach of their actions upon the formal institutional structures of power, in an albeit indirect manner.

Although several surveys have suggested that the majority of Chileans support the decriminalisation of abortion in the 3 cases presented in the recent projects (danger to the mother's life, foetal inviability and rape), this majority is limited to therapeutic abortion. According to the Corporación Humanas survey in 2010, only 58% agreed with abortion if the woman's life was in danger (between the years 1999 and 2010 these figures ranged from 75.6% to the lowest figure of 50.8% in the Sexta Encuesta Nacional De Juventud INJUV in 2010), and only 53.1% agreed in the survey carried out by the University of Diego Portales (cited in Benavente, Dides and Saez, 2010: 12). In the Encuesta Adimark survey in 2010 only 38% agreed with

therapeutic abortion in cases of rape and 39% in cases of foetal inviability (cited in Benavente, Dides and Saez, 2010: 12). Therefore, a change in societal attitudes and culture is a pressing concern, without which the government will not feel pressured to decriminalise abortion. As M. A. Saa highlights, ‘politics doesn’t change, political change will occur when it clicks² in society’ (interview 23). Therefore, it is imperative that organisations direct their focus towards society directly to change the way they view sexuality, reproduction and women’s roles. This is the focus of groups such as Linea Aborto Chile, Huelga de Vientres and *Coordinadora Universitaria por la Disidencia Sexual* (CUDS) who, by working directly with civil society, are attempting to deconstruct the dominant discourse of the media, church, and conservative groups. These groups seek to transform the discourse publically, and inform and empower people to see themselves as rights bearers and not subjects of the state that can subject individuals to the interests of insider influence groups in an undemocratic manner.

iii) Chapter Structure

‘This elite, and the political Right, have promoted an increasingly conservative moral agenda since 1990. This agenda is the result of the penetration of the social bases of the elites by Opus Dei and the Legionaries of Christ...Their religious discourse...provides the Right as well as the economic elites with a legitimising moral discourse that explains social problems through lapses in individual morality rather than in reference to socio-economic structures’ (Blofield, 2006: 95)

Blofield highlights the ways in which the conservative discourse of the political Right circumvents tackling systemic inequalities in power through its ideologically restrictive interpretation of social problems. In chapter 1 ‘The Politics of Human Rights’, I ask whether there are any absolute norms or if human rights are interpretivist insofar as they are socially constructed, do human rights address systemic inequalities in power? Subsequently, I assess which feminist debates are useful for understanding how those in power of the interpretation of gender norms are able to shape the content of human rights as applied to the SRH debate. I argue that human rights are subject to the politics of interpretation, insofar as they are malleable and open to manipulation by those who have the financial and political means to make their interpretation count. They are shaped by those in control of both informal and formal institutions. The relationship between formal and informal institutions is complex, but we can discern an asymmetry: changing informal institutions can lead to formal institutional change, but the reverse often produces incomplete results. For

² This is a direct translation from Spanish – when saying this, deputy Saa made a clicking sign with her fingers to portray the idea that society comes to a consensus around an issue and begins to act.

example, recent legislation to legalise Emergency Contraception (EC) and to ensure sexual education programmes in schools have failed to make such measures available to many Chilean women in practice. As a result of their malleability, I argue from a critical feminist perspective that human rights are ineffective in challenging structural inequalities in power; in order to illustrate this, I assess the key feminist debates that have resonance within the discussion of sexual and reproductive rights. Starting from this premise, I argue that the task of feminists is to challenge, shape and renegotiate the terms of interpretation. This means reshaping the underlying ideas that influence the current mainstream interpretation of rights, for example foetal rights, and to allow for a wider application of human rights (e.g. women's rights to mental, physical, economic, social, and political equality). These underlying ideas consist of broader patriarchal and neoconservative ideological formations.

In chapter 3 'Historical Limitations to Feminist Policymaking and Gender Activism', I explore the historical context of political intervention into women's sexual and reproductive health and ask how it has shaped the debate in the current democratic era. I assess the formal and informal institutional features that were inherited from the 20th century and the ways in which women's gender consciousness has evolved. I illustrate how, throughout the 20th century (where this analysis begins), women's SRH have been subject to state intervention; this intervention has been based upon changing political ideologies and perceived requirements (i.e. nationalist population growth and Malthusian decrease), whilst the underlying gender ideology has remained. The purpose of this is to illustrate that the state does not have a monolithic position on issues relating to SRH and has, in the past, been willing to change policy regarding such issues. Various governments have been willing to implement policies that promote, and also restrict, SRH policies in order to pursue their own agenda. This supports the idea that policies relating to SRH are changeable, and not, as conservative sectors portray through their use of appeals to a limited application of human rights, absolute.

Additionally, in this chapter I analyse the ways in which the women's movement has evolved from first wave feminism into what Franceschet (2005) terms 'mobilised mothers' and how this evolution paved the way for the politicised anti-dictatorship women's movement and the growth of appeals to human rights for social justice. Research conducted by Jaquette (1994) highlights how the dictatorship era women's movement in Chile helped to shape opposition to authoritarianism and channelled such opposition into the promotion of women's rights as human rights, thereby raising women's gender consciousness. This context sets the scene for the

continuation of women's activism during and after the transition to democracy, and for how women's (and later self-termed feminist) movements have fought both formal and informal institutional obstacles to gender equity. Notably, this evolving gender consciousness paved the way for feminist groups to challenge the conservative gender ideology, renegotiating the informal institutions that shape women's lives and access to SRH. Finally, the chapter provides the essential historical context that forms the backdrop of attempts to reform formal institutions from the transition period to the current day. This links into the final chapter wherein I address possible future developments under the newly re-elected President Michelle Bachelet, whose government has proposed several reforms of the formal institutions that were inherited from the period I explore in chapter 3.

In chapter 4 'The Ideology of "The Right" and the Politics of Interpretation', I question how the gender ideology of the "pro-life" discourse affects and displaces women's rights. I further ask which issues are obscured by the conflictual discourse advanced by the Right, i.e. the supposed opposition between foetal rights and women's rights. I analyse the gender ideology of the "pro-life" sector that implicitly (and sometimes explicitly) forms the basis of their opposition to SRH, in order to later assess to what extent the feminist movement(s) is able to influence the agenda and shape informal institutions (gender norms, attitudes towards abortion and women's roles in society). Additionally, I explore the issues that the "pro-life" discourse has left outside of the debate around SRH due to a limited and hierarchical interpretation of human rights: issues such as sexual education, mental health, economic inequality, and access to emergency contraception. These are pertinent issues that greatly affect women and that must be brought to the forefront of the debate.

In chapter 5 'The Mechanisms of Ideology: How the "Pro-Life" Movement Controls the Debate', I ask by which mechanisms the "pro-life" sector has managed to ensure the cultural, social, and political hegemony of its discourse, and why the feminist movement(s) has been unable to displace this discourse. I illustrate the mechanisms by which the "pro-life" sector is able to ensure the dominance of its gender ideology and foetal rights discourse. This chapter addresses both the formal and informal institutional mechanisms used by the conservative sector, such as the network of conservative elites, universities, doctors and lawyers educated in religious/conservative institutions that perpetuate a conservative gender ideology, the duopoly of conservative controlled mainstream media, the influence of the Catholic and Evangelical Churches in 'moral' issues, the binomial electoral system etc. I analyse the state of the feminist

movement(s) in order to understand why they have been unable to influence the agenda - especially the critical informal institutions of gender norms and attitudes towards women's sexual and reproductive rights. In the assessment of the formal obstacles, I address the role of the binomial system in over-representing the Right wing and the effect this has on dissenting perspectives. Further, I analyse the influence of the Chilean women's ministry (SERNAM), which has historically refused to address the issue of abortion, highlighting the lack of political support for the feminist SRH agenda.

In chapter 6 'The Political Evolution of the Abortion Debate: Formal Institutional Responses', I address the question of how informal institutions *inform* formal institutional responses, asking whether the formation of civil society shapes the 'rules of the game' of abortion debates. I analyse the ways in which informal gender roles and conservative ideology shape formal regulation of abortion. I explore the impact of the mechanisms used by the "pro-life" sector (as seen in chapters 4 and 5 such as the use of mainstream media, elite "pro-life" interest groups, conservative doctors and lawyers etc.) upon the discursive framing of the abortion debate in the Chilean Congress and Senate. The policies coming out of these institutions are strongly influenced by the Right's interpretation of human rights, which indicates that a radical overhaul of this framing is key.

In chapter 7, 'The Great Divide – Beyond Maternal v Foetal Rights', I ask how feminists can challenge the conservative hegemony over the shaping of informal institutions. I ask whether challenging patriarchal gender norms, spreading information about how abortion works through the use of new Information and Communication Technologies are effective methods in overcoming traditional obstacles to informal change, such as the dominance of the media by conservatives and the influential role of the Church. I look to a hypothesis of the near future under the recently elected government under President Michelle Bachelet with regards to the formal institutional reforms her government has proposed; I posit that without concurrent reform to the informal institutions which shape women's access to SRH, these reforms will be insufficient. Finally, I ask what relevance these findings have beyond this case study.

Throughout the thesis, I argue that the lack of access to abortion is not due to the idea of human rights as such, but to those who are in control of the interpretation of the content of rights. Conservatives frame human rights as absolute and beyond discussion; this gives their interpretation of rights legitimacy within society. However, when we illustrate the ways in which

interpretations of human rights have changed over time (through state intervention into SRH as witnessed in chapter 3) and how elite interpretations have been based on a conservative gender ideology (chapters 4, 5 and 6), then it becomes possible to widen the scope of the human rights debate to include women's rights to mental, physical, sexual, reproductive, social, political and economic equality. The focus of chapter 7 is how one might undertake such a radical overhaul of the current informal institutions that shape access to SRH and women's lives.

Based on my case study research, I argue that a challenge to the terms of interpretation of human rights requires two elements:

Firstly, it is necessary to deconstruct and visibilise the conservative gender ideology upon which conservative opposition to abortion is based. This is crucial in order to highlight the intersecting gender/economic divisions that shape differently situated women's access to SRH. I ask whether gender solidarity can and does exist, and what measures are being taken to overcome this economic division; are gender quotas sufficient to represent women's demands? Highlighting and deconstructing the hidden gender ideology is key to illustrating that simply increasing the number of women in power (via formal institutional change) does not necessarily entail greater feminist equality and representation of (differently situated) feminist issues.

Secondly, it is important to team the former with an offensive strategy that can challenge a regulatory gender ideology. I explore and analyse the innovative tactics the radical branch of the feminist movement(s) in Chile are using to circumvent traditional obstacles such as media dominance, over-representation of the right, and the lack of formal institutional change. The groups I study make use of new ICTS and direct action. I argue that these movements, which highlight the economic, racial and gender inequalities that shape women's access to SRH, in addition to challenging the illegality of abortion itself, have the potential to challenge previously obstinate obstacles through their innovative and pluralist tactics. Autonomy is by no means a new position, yet the tactics utilised by these groups are original. Do ICTS have the potential to reach beyond a previously unreachable audience and therefore promote greater intersectional gender consciousness?

In the chapter following this introduction, I assess the theoretical feminist critiques of human rights, addressing key aspects of the debate and their implications for this research: integration v. autonomy, the competing claims of individual rights, intersecting identities, the private/public

sphere divide, and universal rights. These debates highlight several key issues in the struggle for sexual and reproductive equality in Chile and provide the essential theoretical grounding for the empirical work in subsequent chapters. The chapter also introduces the theoretical framework within which the empirical work is analysed: Feminist Institutional Theory (FI), which is crucial in its analysis of the co-constituted nature of formal and informal institutions. I explore how different actors use the language of rights to pursue their agendas regarding women's reproductive choices, and highlight the powerful influence of the Catholic Church and other elite groups. I highlight the inability of an interpretation of human rights based on patriarchal assumptions to provide equality for women in the field of reproduction. The framework of human rights is itself insufficient for tackling the informal and formal institutional inequalities that shape women's decisions concerning reproduction.

Chapter 1 – The Politics of Human Rights

'The great error of reformists and philanthropists is that they nibble at the consequences of unjust power instead of redressing the injustice itself' (J.S Mill, 1848: Book 4, Chapter 7 - women)

'Discrimination against women is seldom more evident than in the sphere of human reproduction' (Lidia Casas Becerra, 2004: 427)

One of the central critiques of the human rights system is that it 'looks to a common core of humanity behind all the differences of class, gender, ethnicity, religion or race, that in doing so it tends to equate equality with sameness, and thereby leaving untouched systemic inequalities in power' (Molyneux and Razavi, 2002: 117). In this chapter I will introduce the theories that will be used in assessing the extent to which universal human rights, being dependent on political will for implementation and open to manipulation by conservative groups, are the most effective method to achieve the legalisation of abortion in particular (and reproductive equality for women in general). I will first address some traditional feminist theories and debates, and later in the chapter I will introduce Feminist Institutional Theory (FI), a more recent approach that analyses both formal and informal institutions. FI theory can help make sense of the fact that Chile is simultaneously a socially conservative society and a signatory to all the major human rights treaties and perceived as 'one of the region's most modern, progressive and stable democracies' (Shepard and Becerra, 2007: 206). As Htun (2003) argues, democratisation does not necessarily entail liberal policies with respect to women's rights.

Human rights have become the rallying call of democracy; it is a system embraced and utilised (rhetorically and otherwise) by non-governmental organisations and political systems across the globe. The emergence of the human rights regime³ signalled a worldwide effort to create a

³ In my discussion of human rights, I will be referring largely to the universal rights established within the International Bill of Human Rights (IBHR), which includes: the 1948 Universal Declaration of Human Rights (not legally enforceable), the International Covenant on Civil and Political Rights (1966) and the International Covenant of Economic, Social and Cultural Rights (1966), which are deemed by the United Nations as universal in application. I will also refer to the Convention on the Elimination of All Forms of Violence against Women (1979). The above treaties have been signed and ratified by Chile. Henceforth, I will utilise the abbreviations UDHR, ICCPR, ICESCR and CEDAW when referring specifically to the declarations, or the IBHR when referring to the three central declarations (not including CEDAW). International human rights law is comprised of nine central treaties considered to be the core rights instruments and accepted as customary law, in addition to over 50 treaties, principles, recommendations and declarations. The extent of legal enforcement power varies from treaty to treaty.. Human rights, as defined under the IBHR, are understood to be universal, inalienable entitlements with concurrent obligations. However, the UDHR is not a binding document and therefore exists only as a standard to which states are to aspire. The ICESCR and the ICCPR are binding on those states that have ratified the treaty; however, states are permitted to include reservations, which often serve to circumvent the most progressive elements of the treaty. I will also refer to other relevant treaties such as the 1994 Cairo

universal standard of moral behaviour, which could be used to evaluate both the internal and external actions of states. Since the 1980s, the rights regime has gained increased leverage on the international agenda as a bargaining tool in diplomatic relations and on the national level providing the basis for policies and laws (Friedman, 2003). Furthermore, globalisation has witnessed the incorporation of views across racial, ethnic and religious boundaries into the human rights debates. Inevitably, this has led to a wide array of critiques of the traditional rights discourse from a myriad of theoretical positions. The claim inherent in the human rights system that rights are universal and not subject to change due to their supposed expression of essential human nature, has long been the subject of contestation. Critique of the concept and content of rights is far from new and a brief analysis of the underlying ontological debates will highlight the precarious foundations this system is premised upon and the politically constructed nature of its contents. In discussing these critiques, I will highlight the ways in which appeals to human rights, and more specifically foetal rights, are shaped in a manner that displaces women's rights and obscures the context in which women's reproductive decisions are made.

The premise of human rights holds that,

'human rights are rights which people are thought to possess whether or not they are embodied in systems of positive law. They ought, of course, to be recognised in systems of positive law. But people's possession of human rights does not depend upon such formal recognition, which is why we can speak of governments and laws as "violating" their human rights' (Jones, 1994: 81).

Rights are thus entitlements all human beings have as a result of their being human. Further, Donnelly argues that the difference between law and rights is that 'legal rights have law as their source...human rights would appear to have human nature as their source' (2003: 13). This reference to human 'nature' is one of the most problematic foundational claims inherent in human rights theory, attracting criticism from numerous epistemological positions. Emanating from the claim to universalism, critiques have arisen regarding the metaphysical grounding of human rights, their individualism, egoism, abstract content, subjective interests and politically constructed nature.

Declaration on Population and Development (ICPD) that set out actions regarding women's reproductive rights. Chapter 7 paragraph 7.3 ensures the 'basic right of all couples to decide freely and responsibly the number, spacing, and timing of their children and to have the information and means to do so, and the right to attain the highest standard of sexual and reproductive health.' Later in the document (8.25) it makes clear that the declaration does not promote abortion as a method of family planning and that all states must provide services to ensure a reduction in the number of abortions.

<http://www.un.org/popin/icpd/conference/bkg/egypt.html> (Accessed on 12/09/2013)

1.1 Feminist Critiques of Human Rights

The key aim of this section, which summarises the feminist critiques of universal human rights, is to illustrate the main debates that shape gender activism in the field of sexual and reproductive health. Therefore, a brief historical context of human rights is useful. International law, established to regulate relations between states with civil and political rights as a priority, coupled with the deference of domestic law to the family, has left women largely outside of the protection of human rights. Feminist legal scholar Hilary Charlesworth points out that ‘there has been a general reluctance to question the basis of or value of the international human rights system itself’ (1994: 59). However, with the growth of second wave feminism and the onset of radical feminism, the universal nature of the human rights regime has come under sustained criticism for its inherently masculine preconceived notions of equality. The purpose of my critique is not to dismiss outright the progressive possibilities of a human rights discourse, but to ‘expose numerous problems in rights given their heterosexist framing’ (Peterson and Parisi, 1998: 154). It is necessary to assess the implicit and explicit gender assumptions that construct women’s lives politically, culturally, socially, religiously and economically, which are reinforced through the International Bill of Human Rights and manipulated by actors pursuing agendas often contrary to women’s gender equity. The context within which women live, and abort, is crucial to our analysis of sexual and reproductive rights; throughout this thesis, I argue that the interpretation of human rights by “pro-life” sectors does not address this important context.

It would be imprudent to argue that there have been no gains made as a result of the legal human rights regime. As Friedman (2003) argues, one of the central advances for feminists in the 1970s, and more notably from the 1990s onwards, was ‘gendering the agenda’ of human rights discourse and U.N conferences. In 1975 the first UN Conference on Women was held in Mexico with the objective of raising women’s political awareness and placing issues considered of specific interest to women on the mainstream agenda of governments. Activists structured their case within the feminist critique of the disaggregation of public and private spheres, which sought to retain male power in the public sphere whilst subjugating women within the unregulated private sphere. At the Mexico conference, this separation was highlighted as an ‘ideological construct rationalising the exclusion of women from the sources of power’ (Charlesworth and Chinkin, 1991: 629). Activists argued that the construction of gender roles situated women within the family, with duties such as childcare and housework, thus barring access to the public world of men.

Constructed in opposition to this, they argued that the male role of employment, politics and the economy was further reinforced by the IBHR. They stated that the division of the public and private spheres implicitly condoned gender discrimination and ultimately created state liability for condoning violence against women. As a result, the Convention on the Elimination of All Forms of Discrimination Against Women (CEDAW) was adopted in 1979. The Convention sought to link women's disempowerment with the human rights movement.

Charlotte Bunch's famous rallying cry that 'women's rights are human rights' in a speech at the 1993 U.N Conference held in Vienna signalled a turning point in the framing of feminist demands in the language of universal rights. Bunch noted that 'the concept of human rights is one of the few moral visions ascribed to internationally' (1990: 488), and because of this framing, Bunch argued that women's rights represented as human rights would prove crucial to the realisation of women's equality. In addition, by utilising the universal rights discourse it was possible to 'transcend the boundaries of nation states,' thereby taking into consideration the intersectionality of women's interests. This helped to consolidate feminists worldwide in the fight for equality across national borders. However, despite the early focus on achieving formal equality via the human rights movement, the realities of the lives of millions of women and girls worldwide have proven that formal equality is an ineffective short term solution without structural institutional and concurrent informal institutional change to challenge the causal factors of gender inequality and the context in which women live. As a result of this reality, the human rights system has received criticism from theorists and activists as a means of achieving equality. Furthermore, despite official state recognition of discrimination, to this day there are significant limitations to the implementation of CEDAW, which highlights the danger of relying too heavily upon the ability of the legal element (and influence of international opinion)⁴ of the human rights paradigm to advance women's equality (LaTercera, 11/09/2014). Despite the limitations of CEDAW, the very recognition by many countries of the pervasive nature of discrimination against women proved a progressive step in the right direction for women's rights.

Many of the traditional human rights debates do not sufficiently address a grey area within the human rights regime; that of reproductive rights. Reproductive rights as human rights fall within a grey area as they are guaranteed explicitly by neither international human rights law nor national

⁴ A recommendation was made to Chile by a group of experts in human rights from the U.N whose mission was to address issues of discrimination against women in Chilean legislation. They recommended the 'decriminalisation of abortion when the mental and physical health of the women is compromised for those under 18'; they further recommended that abortion be permitted in the case of danger to a woman's life, rape, and foetal inviability.

law, therefore, countries such as Chile are able to maintain national laws that outlaw abortion without technically contravening their human rights obligations (although this is debatable). When discussing reproductive and sexual rights, the operational definition I apply is the demand for safe, legal, and accessible abortion and contraception. The human rights regime upholds the sanctity of the traditional family unit and protects church doctrine; often this occurs at the expense of women's reproductive freedom. Therefore, it is argued by many feminists that women cannot be said to be full citizens whilst the patriarchal state and Church regulate women's bodies without their consent and deny them the freedom to decide on matters concerning their own health and liberty (Pateman, 1983; Hanisch, 1969).

An analysis of the feminist debates helps to situate and explain women's systemically unequal positions in society. For the purposes of this research, the following theoretical debates regarding integration/autonomy, equality/difference, competing individual rights and the public/private sphere division are crucial as they highlight the gendered nature of the abortion debate in Chile. Through an analysis of the integration/autonomy debate we can understand the varying tactics of the feminist movements, politicians, and NGOs in Chile and the plurality of approaches. An assessment of the equality/difference debate highlights the importance of intersecting identities amongst women and the dangers of assuming women can be analysed as a homogenous category, whilst also pointing to the importance of feminist analyses that unmask underlying gender ideologies that may limit women's rights. Furthermore, an exploration of the division between issues considered public and private adds to our understanding of the ways in which gender responsibilities and roles (notably in relation to reproduction) shape both the general debate and political responses to reproductive rights.

It is possible to argue for women's reproductive right to life, privacy, health, and so on. However, it is equally possible within the same system to argue against these rights as witnessed in the case of reproductive rights in Chile. The victor in these debates is often the actor who holds the most power to interpret, implement and enforce human rights - such as financially backed conservative politicians, social interest groups and the Church (Htun, 2003). When phrased in conflicting and binary language, the human rights discourse has the potential to become a battle ground between the powerless and powerful. The following feminist debates help situate and highlight the persistent and systemic inequalities, both normative and concrete, that women face at all levels and which, in turn, influence to the extent to which women are able to enjoy and exercise their rights.

1.2 The Competing Claims of Individual Rights

The debate regarding individual rights has notable resonance within the abortion debate as opposite sides frame their conflicting perspectives in the language of rights; woman vs. unborn foetus. Many argue that the individualism of human rights is the key to its legitimacy and effectiveness and is in no way at odds with communitarian principles (Donnelly et al, 1987). The pragmatist Dewey argues that the individual actor is never removed from their social and political context, therefore the manner in which we construct our thoughts and actions is bound up with our interactions with others (quoted in Gill et al, 2001: 31). Gill, Sjoberg and Williams add that in viewing people as autonomous agents, 'patterns of equity and equality are more readily grasped than in situations wherein persons act in accordance with the norms associated with groups such as the family' (Ibid.). By this standard, proponents of individual rights recognise that although the community shapes human relationships and actions, they have 'the potential to reach beyond it' and individual rights serve to provide for life within communities (Gill et al 2001: 33). Diane Elson argues that individual autonomy does not automatically imply disconnection from others or a lack of restraint on individual behaviour, 'nor are individual rights necessarily in opposition to collective rights [which] always have to be exercised by persons' (2005: 106). The questions this raises that have particular significance for feminist theory are: who the individual claimants are, how they exercise their rights, who speaks for whom and what level of accountability they have to the collective. This is an important debate in relation to the foetal rights discourse in Chile in which proponents seek to claim rights on behalf of embryos and fetuses over the rights of (mainly) adult women.

The critique of the individual nature of universal human rights raises the important question of whether women's interests can be fully articulated within a system of competing claims of individuals, or, in keeping with the difference perspective, whether rights should be tailored to suit women's specific needs. E.g. should women have the same rights as men or should they be granted specific rights according to their need (for example, the right to abortion). Furthermore, the 'right to choose', which is central to feminist theory, is viewed by sectors of the opposition (notably the Church) as contrary to the responsibility women have to the community, and goes against their natural roles as women/mothers. As Lacey notes,

'rights as often articulated – both conceptually and substantively – do not satisfactorily to accommodate the dynamics of gender...The way in which particular intellectual disciplines

and discourses have developed makes it impossible to conceptualise certain types of harm or wrong, or to reveal certain types of interest or subject position' (2004: 13).

Additionally, rights are dependent on effective enforcement by the state, which must incorporate legal enforcement measures. In this sense, rights are a 'creature of the state and hence a function of existing configurations of power' and are thus of limited use to the 'politically marginalised or for the construction of claims oppositional to prevailing power relations' (Ibid. p. 39). 'Pro-choice' advocates in Chile face highly organised opposition from the Catholic and Evangelical Churches, androcentric society and economic elites. The manner in which these conservative sectors are able to control the application of rights, imbuing the foetus with personhood and creating a conflictual discourse, has shaped the politics of individual rights.

It is widely argued that the human rights regime is too restrictive a framework to express feminist demands. Waldron (1984) points to the restrictive nature of the rights discourse with regards to women's equality in his analysis of the pornography debate. He highlights how the rights discourse frames interests in terms of balancing the competing rights of individuals. In this case those of pornographers claiming the freedom of expression, against the rights of individual women who may suffer harm (the right not to be raped or harassed). However, he argues that the most powerful feminist arguments against pornography concern not only the individual harm,

'but also the insult and degradation, concrete and symbolic, suffered by women in general when certain stereotypes are nurtured, certain fantasies played out, and certain forms of violence and domination rehearsed in the public or semi-public realm. It is much easier to articulate these concerns outside a theory of rights than in it, and to that extent a rights-framework can easily seem an ideological straightjacket from a woman's point of view' (Waldron, 1984: 159).

Lacey shows that 'the liberal focus on interests, rights, and entitlements of individuals is argued to obscure our vision of systematic patterns of exclusion and disadvantage such as those which characterise women's subordination' (2004: 20). An example of this is women's under-representation in certain areas of employment such as higher management or physical labour, which in liberal rights talk can be justified as autonomous, individual choice. However, as I shall later illustrate, women's individual sexual and reproductive rights are criticised by conservative opposition, whilst conservatives concurrently promote the individual rights of the foetus over those of the woman. The framing of the right to control one's own fertility and body in a discourse that pits the competing claims of a foetus against a living woman, has to date not

achieved reproductive equality for women in any substantive form. As Waldron underlines concerning the limitations of the rights discourse for feminist demands,

‘rights are concerned with external aspects of behaviour...but the oppression of women by men is not just a matter of externalised power and violence. It goes deep into the personal, the subjective: it resonates throughout culture...There are serious questions to be asked about whether the form of rights can give expression to a social and cultural critique that is this radical and this comprehensive’ (Waldron, 1984: 160).

This raises the theory pursued by proponents of Feminist Institutionalism: that reform to both informal and formal institutions is crucial in order to create lasting and effective gender equity. I expand upon this debate further in chapter 6 when analysing the appeals made to foetal rights in the political projects proposed since the return to democracy in Chile and highlight how this discourse has displaced women’s individual rights.

1.3 ‘The Personal is Political’ (Hanisch, 1969)

‘The physical territory of this struggle is women’s bodies’ (Bunch, 1995; 15)

Pateman argues that the ‘dichotomy between the public and the private...is ultimately what the feminist movement is about’ (1983: 281). Most issues affecting women can be highlighted by, and situated within, this framework. It is argued that the public/private distinction in human rights law is the principal theoretical barrier to both broadening the normative framework to include abuses suffered by women which do not fit into the universal rights paradigm and to making human rights mechanisms work for women (Sullivan, 1995). The state regulates and perpetuates power relations in the private sphere via active regulation (social welfare, demographic policies) and passive regulation of harmful practices suffered by women. The division of spheres acts to delineate socially accepted roles to men and women, which both the state and international human rights uphold and thereby reinforce. Governments have long maintained that the area in which women suffer the most egregious violations of their dignity is outside of their boundary of intervention. Changing the attitudes towards the correct roles of men and women in society, which can be characterised within the public/private division of spheres, is integral to the women’s equality movement, and is of equal importance to structural change. Without a change in traditional attitudes, alterations in national law may fail to address the root of women’s inequality – the conservative gender ideology that perpetuates women’s oppression.

The IBHR has been criticised for dividing rights into a hierarchy of importance, with political and civil rights endowed with primary importance, followed by economic and social rights and third generation cultural rights. As Charlesworth notes, 'the definition and development of the three generations of rights...are built on typically male life experiences and in their current form do not respond to the most pressing risks women face' (1994: 58). Coomaraswamy (1994) has argued that in terms of traditional human rights, women's rights constitute a fourth generation, leaving their specific interests largely untouched by the protections accorded via the IBHR. Article 7 of the ICCPR states that 'no one shall be subjected to torture or to cruel, inhumane or degrading treatment or punishment,' the definition of which is expanded in the 1975 U.N. Torture Convention. The definition of torture explicitly covers acts committed by those performing in an official capacity. This definition is an explicit manifestation of male fears of state sponsored torture in the public arena; it therefore does not apply directly to violence against women in the private sphere of the home. The 1993 U.N. Declaration on the Elimination of all forms of Violence Against Women (DEVAW) was successful in achieving official recognition of both the pervasive nature of private violence and also the root of such violence as deriving from patriarchal attitudes. However, the declaration is limited in practical terms by its lack of binding obligations. Unlike the ICCPR (International Convention on Civil and Political Rights) and U.N. torture convention that bind states to uphold its tenets, the DEVAW instead 'urges that every effort be made so that it becomes generally known and respected' (DEVAW, 1993).

This division of public and private spheres is further highlighted in article 16 of the UDHR relating to the family. Article 16 (3) states that 'the family is the natural and fundamental group unit of society and is entitled to protection by society and the state' (UDHR, 1948). This statement naturalises heterosexual couples and reinforces women's position within the home. It does so by reinforcing the idea that the family is the 'natural and fundamental' unit of societal organisation as opposed to challenging what is arguably a social and cultural construct designed to keep women separate from the public world. This ideology can also be found in the mandate of the Women's Ministry in Chile (SERNAM), which is based upon women's natural differences from men and their adequate concern for the family (which I will assess in greater detail in chapter 5). Article 12 of the UDHR states that 'no one shall be subjected to arbitrary interference with his privacy, family, home or correspondence, nor to attacks upon his honour and reputation' (UDHR, 1948). The family is treated by the IBHR almost as a miniature sovereign state, relations within which are private and therefore deemed to be outside of state intervention. Indeed, the very 'private' nature of the family is accorded 'special protection from the state' in order to remain so,

despite being the very arena in which women suffer most and not necessarily deserving of such 'special protection' (Ibid.). In addition, by segregating the private family sphere from the public political world, the UDHR allows for states to interpret this provision in order to circumvent their obligations to intervene in matters deemed private in nature. These appeals to the 'natural and fundamental' unit of the family is a current that can be found running throughout "pro-life" discourse, which I explore in chapter 4 in greater detail.

Despite this, governments have proved willing to intervene in the supposedly private matter of reproductive health to serve state demographic interests (by controlling rates when they require either a decrease or increase in population regardless of women's interests), inheritance rights, and divorce procedures which serve to benefit patriarchal interests. The public/private debate helps us to unearth the ideological justification of women's responsibility for maternity and reproductive health. Issues that women are traditionally associated with, which are connected to their different biological functions from men, are deemed private in nature. Responsibility is also designated to women for the social elements of sexuality and reproduction: chastity and morality, contraception, and wanted and unwanted pregnancies. As we will see in greater depth in chapter 3, the Chilean government has controlled women's reproductive capacities to varying extents to serve its own agenda throughout history (notably from the 1930s where this research begins) until the present day, via policies which continue to enforce upon women the social, economic and political costs of reproduction.

1.4 Equality or Difference - Equal to Whom and Different from What?

The focus on women's rights as human rights has been central to feminist advocacy since the U.N conferences of the 1990s; however, 'many feminist and social and political theorists have been very critical of the concept of "universal rights" and the deployment of the concept of "women"' (Elson, 2005: 94). Lacey raises doubt concerning whether the rights framework has 'the capacity to deliver justice to differently situated subjects' (Lacey, 2004: 21). The underlying question in the debate concerning equality and difference is: are differences between the sexes natural or are they culturally constructed? Should feminists fight for equal rights on an equal basis with men thus overlooking important differences, or should we seek different rights, thus potentially invoking essentialist claims to women's 'difference' and natural roles as mothers? This debate further raises the important issue of the homogeneity of women as a category. When Lacey talks of 'differently situated subjects' this can refer equally to intersecting identities of men and

women as it does amongst differently situated women, which in turn raises the crucial question of whether female solidarity can, and should, exist.

The human rights system was created and designed to apply to an individual; however, this abstract individual appears to contradict nature itself by overlooking the plurality of life. Despite the early focus on formal equality, the realities of the lives of millions of women and girls have proven that formal equality as enshrined in the UDHR is ineffective without structural institutional change, and short term redress has not solved the specific problems women face on the arbitrary basis of sex. The drafters of the IBHR, in their attempt to assume a common human nature regardless of sex, projected their own needs, interests and experiences onto the rest of humanity. In doing so, universal rights often do not respond to the realities of women's diverse situations. As MacKinnon highlights, 'to require that one be the same as those who set the standard – those by which one is already socially defined from – simply means that sex equality is conceptually designed never to be achieved' (1989: 233). This equality as sameness approach has come under criticism from supporters of the theory of difference as the most effective method of achieving equality for women (Bryson, 2003). The 1995 United Nations Development Programme (UNDP) report states that the invisible economic contribution of women is an estimated \$11 trillion a year (1995: 97). With this in mind, for women to be expected to benefit from equal rights with such unequal time burdens, political rights and social expectations, seems unrealistic.

Biological differences between the sexes have traditionally led to different life experiences; therefore some argue that 'formal equality is not sufficient when there are relevant differences' (Lyons and Mayall, 2003: 104; see also Pateman, 1989; Young, 1989). If the IBHR asserts authority for the universality of its claims, the argument follows that rights ought to apply to men and women by taking into consideration gender differences instead of treating them as wholly irrelevant. Brems terms this approach 'inclusive universality' (2003) since it seeks to include all people within the human rights framework whilst taking into account their particular claims. Charlesworth further argues that 'unless the lived experiences of women contribute directly to the mainstream international legal order...international human rights law loses its claim to universal applicability' (1995: 103). However, this position has come under criticism for playing into the hands of a tradition that has used the notion of natural female biological difference to justify inequality. Scholars of the difference theory are divided as to the most effective method of its implementation, with some supporting the incorporation of the specific needs of women into the human rights system (e.g. CEDAW) and creating corrective measures to combat women's

subordinate position and others seeking a 'radical overhaul of the rights project and its meanings' (Brems, 2003: 111). The difference perspective sees two methods of altering women's position: modifying the current system to incorporate the needs of women (CEDAW) and/or transforming the norms, institutions, and structures in response to the specific claims of women.

Developing the argument of Waldron (1984) who highlights the danger of competing claims for women's equality, several critics reject the difference/equality dichotomy and argue that this concept limits our understanding of the lived experiences of women (MacKinnon, 2006; Bock and James, 1992). Many argue that both notions are problematic and have been used against women's struggle for equality. Formal equality has often been defined in male terms and fails to respond to the realities of women's lives, and appeals to difference continue to be used to naturalise women within the private sphere (Rao, 1996; Bock and James, 1992). MacKinnon argues that 'to affirm difference when difference means dominance, as it does with gender, means to affirm the qualities and characteristics of powerlessness' (1998: 301). In addition, neither equality nor difference address the specific issues which women are faced with: low paid jobs, pornography, rape and sexual assault and, notably for this research, gender norms, attitudes and social responsibilities. These issues are not issues of biological difference but are a result of women's oppression; as such they are not considered as equality issues either.

Alternative theories have been presented, such as MacKinnon's dominance theory (2006) and Rhode's disadvantage theory (1989). Both theories reject the difference/equality dichotomy in favour of changing the structural status quo. Rhodes suggests that we should ask not how gender is relevant to a job but how the workplace can change so that gender is no longer relevant. MacKinnon is critical of difference theory and opposes making 'rules that fit reality' arguing instead that we must be critical of reality as a patriarchal construct (2006). These concepts provide a more effective framework in the analysis of the role of the Church in restricting women's reproductive freedoms, as they begin from an understanding that simply recognising women's difference is ineffective and potentially dangerous. Instead the structural inequalities that allow women's needs to be seen as 'different' are the causal factors behind such discrimination. This is a useful theory as it is critical of both the current human rights system and appeals to difference within the system that do not challenge the structural inequalities that lead to such discrimination. This has led many to argue that the central concern of a feminist politics should not be equality or difference, but justice and critical analysis of 'reality' (Bock and James, 1992; Phillips, 1998; Cook, 1995; Bryson, 1999). For the purposes of this research, the key issue

here is the need to incorporate critical gender sensitive perspectives in any discussion of reproductive and sexual rights; women have different reproductive health needs, they require not only 'freedom from' rights as men, but specific protection, promotion and access to reproductive healthcare. The necessity of a gender perspective is to ensure that abortion is not viewed as an isolated issue, but one that is entangled with formal and informal institutional structures that shape sexual and reproductive roles and responsibilities.

This debate is important in raising one of the central issues of context, and the need for rights to reflect women's different needs in the reproductive rights debate in Chile. As Hilary Charlesworth highlights, 'a conceptual problem for all feminist analysis is essentialism: assuming that all women have similar attributes and experiences and ignoring the impact of other variables such as race, class, wealth, and sexual preference on the position of women' (1994: 62). The discussion also raises the issue of female solidarity: does it and can it ever exist? Or are the intersecting interests and identities of class and race more important and/or divisive? Can rights apply to women universally as homogeneously situated beings? We have seen in case studies of European countries that historically women with money travelled to the Netherlands from Belgium and Spain for abortions (Outshoorn, 1986), yet this class divide did not stop pressure to reform. The question for this case study then is: what deters cross-class solidarity in Chile? Susan Franceschet highlighted in 2005 that 'in today's Chile, where social inequality is worsening despite overall growth in the economy, the interaction of gender, class, and ethnic inequalities is more likely to shape the future of the women's movement' (p. 169). Nine years later we are witnessing this growing demand within the feminist movement for not only gender equality as an end in itself, but wider gender and social equality that would challenge the intersecting inequalities that shape differently situated women's access to sexual and reproductive health (as explored in greater detail in chapter 7). However, although the feminist movement (and most notably the younger, radical branch of the feminist movement) is beginning to incorporate the issues of class and race into its discourse, the growing strength of appeals to foetal rights in the abortion debate has obscured the underlying gender ideology, therefore dissuading gender solidarity and thus limiting the scope of the debate. As Blofield explains,

'these high levels of inequality and deep class divisions make it harder [...] to forge cross-class solidarity and to organise a strong reformist movement, despite the fact that the executive has been in the hands of the Centre-left since 1990. The middle classes in Chile are less likely to identify with and struggle for the needs of the poor hence making it very hard for feminists to elicit the kind of support base they need to seriously challenge the structural advantages of the conservatives and the Right' (2006: 96).

1.5 Integration or Autonomy – An Uncompromising Choice?

The establishment of rights is often assumed to have provided a solution to a power imbalance, politically, socially or culturally. By creating new non-discriminatory rights under the current universal human rights system, governments can, and have, used these rights as a symbolic gesture rather than ensuring tangible commitments to women's equality through structural institutional change. A recurring theme that arises in a vast array of the literature (see, for example, Waylen, 1996; Schild, 1997; and Safa, 1990) is the difficult decision that women's movements in Chile were faced with during and after the transition to democracy, a decision that remains pertinent today. It is a difficulty that reflects a broader conundrum within feminist theory - that of integration vs. autonomy. There exists an uneasy paradox within feminism as on the one hand the state is painted as the manifestation of patriarchal control and structural inequity (MacKinnon, 2006) and, on the other, as a potential avenue for progressive change (Franceschet, 2005).

The CEDAW highlights the implications of the integration approach at both the national and international levels. Chile is a signatory to CEDAW; however, the treaty was signed with the reservation that the convention was not 'entirely compatible with current Chilean legislation' (CEDAW, 1979). The CEDAW is not a self-executing document and therefore does not create the obligation upon states to abolish existing domestic laws that contravene its principles (unlike the treaty against racial discrimination). The committee responsible for the convention's implementation can only make recommendations for its implementation. The convention currently holds a record number of reservations that clearly contravene its central tenets. By 2008, over 100 reservations were applied by states citing religious and cultural justifications in apparent breach of article 28 (2), which supports the criticism that the convention is largely empty rhetoric. Often, due to the need for consensus, the content of treaties is watered down and states are able to add reservations that contradict the purpose of the treaty. Unlike the Convention for the Elimination of all Forms of Racism, the CEDAW committee is not empowered to hear individual complaints from those seeking redress.

An analysis of the Servicio Nacional de la Mujer (SERNAM) provides an example of both the positive and negative effects of working in collaboration with the state. Fiona Macaulay argues that 'SERNAM's greatest weakness has been its privileging of economic and market citizenship

over sexual and political citizenship' (2006: 148). Others have argued that feminist concerns have been co-opted by the patriarchal state whilst SERNAM concurrently provides a necessary and useful platform upon which to raise feminist demands. The Servicio Nacional de la Mujer (SERNAM) was established by law 19.023 on 3rd January 1991 with the stated goal of promoting equality between men and women. The conservatism of SERNAM has been highlighted as an obstacle to progressive change for women (Waylen 1996; Baldez, 2001).⁵ One of the stated objectives of SERNAM is to increase women's access to the formal realm of politics, however, to what extent this can lead to gender equality is questionable when the law establishing this institution states that SERNAM will 'ensure equality of rights and opportunities for women...respecting the nature and particularities of women that derive from *natural differences between the sexes, including adequate concern for family relations*' (F Macaulay's emphasis). Difference feminists would argue that equality cannot be achieved without recognition of women's difference, as referred to by SERNAM's mandate. However, I would argue that the 'difference' with which SERNAM's mandate deals is in fact not biological, or 'natural' difference but the socially constructed difference which naturalises women within the private sphere. To talk of the nature of women in terms of their 'adequate concern for family relations' seeks only to confirm this socially constructed difference. When applying a critical feminist perspective that seeks to ensure access to reproductive and sexual rights for women, SERNAM's goal of promoting equality seems partial and ineffective when considering its mandate.

Furthermore, the gains achieved by the executive ministry are those that do 'not threaten existing definitions of gender roles, and did not require economic redistribution' (Blofield and Haas, 2005: 35). This view is in keeping with Bradshaw's criticism of human rights; they are successful as long as they do not attempt to challenge existing androcentric power structures and relations (Bradshaw, 2006: 1331). The critiques of SERNAM highlight the obstacles of relying on the state (both enforcer and violator of human rights) for the implementation of far reaching structural reform around divisive issues. As Molyneux and Cornwall underline, 'governments tend to be selective in their adoption of women's issues, or worse, to cynically reinterpret them to suit their own purposes, ones which sometimes diverge radically from feminist principles' (2008: 1185). Government discourse proclaims to take into consideration gender issues, yet in practice governments often perpetuate patriarchal bias through regulatory gender policies.

⁵ This was also corroborated in many of the interviews I carried out whilst in Chile during 2012-2013.

Beyond the dichotomy of integration vs. autonomy, scholars such as Randall (1982) and Franceschet (2005) argue in favour of a mixed strategy of integration and grassroots campaigning, stating that 'feminists have to involve themselves in conventional politics, as well as campaigns of protest. Public politics is a tool, however imperfect, for modifying relationships within society, and feminists cannot afford to ignore it' (Randall, 1982: 4). Scholars in favour of a double militancy approach suggest that a unified grassroots women's movement is essential in challenging the conservative "pro-life" sector's use of human rights language to silence women's needs and enforce its own interpretation upon women. Virginia Vargas favours a double militancy approach, highlighting the need to view the state as 'important terrain on which to pursue various struggles around rights, as long as social movements retain their autonomy and work in other spaces and places' (2002: 199). She warns of the reliance upon formal rights that do not necessarily equate to equality without the accompanying cultural and social alterations. I would also argue that a reliance on the existing human rights system, which does not address structural obstacles to the expansion of sexual and reproductive rights, could have adverse implications that I will later explore and that cannot be ignored. However Willmott discusses the progressive possibilities of grassroots organisations stating that,

'there are spaces for manoeuvre in which individuals and groups can take an active role in the process of the construction of gender identities and of citizenship. Operating within these spaces women's and men's multiple activities have a bottom effect on gender, politics and economics, disrupting state constructions and cultural stereotypes' (2002: 126).

Franceschet argues that the state should no longer be viewed through the traditional feminist lens of a patriarchal oppressor as states are no longer 'monolithic agents that act solely in the interests of a particular group... [they now provide] appropriate sites for the continued contestation of gender, class and racial hierarchies' (2005: 111). This is clear when assessing the ways in which new legislation has been introduced to punish and eradicate violence against women and prohibit discrimination against pregnant schoolgirls. However, Soledad Alvaer, the first director of SERNAM, reiterated the position that the organisation wouldn't concern itself with issues such as abortion and divorce, and would instead concern itself with strengthening the Chilean family. SERNAM has limited space to act on divisive issues, therefore many activists feel distrustful of the state and its ability to provide women with a space in which to struggle against their oppression. MacKinnon's view that the state is not a neutral entity but a hierarchical institution structured around men's interests appears more in keeping with the role SERNAM has taken with regards to women's rights (2006).

The debate concerning the conflict between integration and autonomy directly informs the feminist activist groups whom I interviewed during fieldwork in 2011-2012. Many of the younger, self-termed autonomous feminist groups I spoke to have chosen complete autonomy from the state and its institutions. The disagreement also creates division within the movement(s) between those considered *autonomas* and those viewed as *politicas*; however, this can be viewed as a strength. This 'division,' or rather multi-faceted approach, provides the feminist agenda with a diversity of tactics across different fronts that can be beneficial in addressing both the formal and informal institutional obstacles. It also adds a diversity of ideological perspectives; Linea Aborto Chile (which forms part of the empirical case study work) invokes a lesbo-feminist perspective in their work, and CUDS Chile (a sexual dissidence feminist group) applies an artistic anarcho-feminist approach that enriches the previously largely middle-class, middle-aged liberal feminist movement. This diversity has also produced a wider critical approach to feminist activism in Chile, incorporating intersecting identities into feminist activism and theory. These groups argue that their autonomy gives them greater freedom to express their activism and work in keeping with their radical ideologies. This point was also supported by other interview participants, such as Ex-Health Minister under the first Bachelet government Dr. Soledad Barria⁶ and activist-academic Gilda Luongo. Both interviewees stated that the reason they no longer wanted to be involved in formal politics is that it requires self-censure, and the ceding of ideological political ground for the purpose of reaching consensus.

The dilemma between integration and autonomy raises the critical issue of power; who has the power to control and shape the agenda and its contents, which is of central importance in the sexual and reproductive rights debate. Those who control the content of the discourse surrounding SRH greatly influence the content of political projects, laws, medical responses and societal attitudes. To become integrated into the system risks having dissenting concerns and views subsumed to the desires of the powerful (in order to achieve consensus), thus dissenting concerns are co-opted and diminished. To remain autonomous means risking remaining outside of the sphere of influence and being further subsumed to the opinions of the powerful, such as the Catholic Church and economic and conservative elites. For the purposes of this research we must incorporate into our analysis the aims of the actors involved; when reform of the informal institutions of gender norms and attitudes is the key aim of activists then we must alter our analysis to see autonomy as important. As we will assess in greater depth in chapter 7, new and

⁶ Now spokeswoman of pro-therapeutic abortion advocacy groups MILES Chile.

innovative tactics are being applied by feminist groups in Chile to circumvent these obstacles and to play a greater role in shaping attitudes towards sexual and reproductive rights.

1.6 Universalism or Relativism

The nature of non-corrective reproductive rights and the absence of binding obligations upon states to enforce the recommendations of the CEDAW committee have produced a fragile situation for women's reproductive equality. SRH is reliant on political will and subject to opposition from the conservative Catholic and evangelical Churches and (often) religiously motivated "pro-life" groups. Scholars and activists alike argue that in struggles between women's rights and cultural rights, it is women's rights that are commonly displaced in favour of cultural/religious rights (Poulson, 1995). Molyneux and Cornwall explain a feminist dilemma concerning human rights which centres on 'a tension inherent in the articulation of human rights: that of a universalising rights regime founded in liberalism and alternative legal and normative frameworks underpinned by particularities of religion and custom' (2006; 1181). As custom and religion are traditionally interlinked, disaggregating the two is problematic for debates concerning women's rights. As Rao argues, 'no social group has suffered greater violations of its human rights in the name of culture than women' (1995: 169). However, she does not suggest that we attempt to eradicate cultural expression within the human rights regime. Instead she envisages a dialogue that unmask culture for what it truly is: 'a falsely rigid, ahistorical, selectively chosen set of self-justificatory texts and practices whose patent partiality raises the question of exactly whose interests are being served and who comes out on top' (Rao, 1995: 174).

When assessing the claims of cultural relativists, Rao (1995) and Orentlicher (2001) argue that it is imperative to assess the claimant; what is the status of the speaker, in whose name is the argument framed and to what extent did all affected members participate in formulating such concerns? This raises the question of power; who is able to express their opinion? In reproductive rights debates it is often religious authorities and conservative elites who are able to most loudly express their opinion, and not in fact those whom these policies affect. This can be clearly seen in the case of SRH in Chile, whereby the dominant powers (economic elites, religious institutions, and conservative owned media sources) control the nature of the debate. At the international level, this tension can also be seen in the actions of the Holy See (the Vatican) in its refusal to be a signatory to CEDAW and in its rejection of the principles regarding reproductive and sexual rights in the Cairo Declaration (the Vatican State being entirely comprised of men, speaking and

legislating on behalf of women worldwide). The deference to religion witnessed in the above example runs throughout the rights system without due regard for its negative influence on women's rights. Article 18 of the ICCPR (in addition to article 18 of the UDHR which affirms everyone's freedom of religion) states that 'freedom to manifest religion or belief' is subject to limitations – those 'prescribed by law' and 'necessary to protect public safety, order, health, or morals' or 'the fundamental rights and freedoms of others' (ICCPR, 1966) Why then is this article not implemented to stop the Vatican from enforcing its religious view over women and affecting their health adversely? The human rights system protects religion without providing pro-discrimination clauses for women, such as the right to emergency contraception, abortion, and family planning services.

It has been noted by theorists such as Brems (1997) and Phillips (1998) that the cultural relativist and feminist perspectives share a number of commonalities. Both perspectives share a consensus regarding the importance of an 'insider' view of human rights, in place of a preordained list of abstract universal claims made on their behalf. Both theories suggest that the IBHR in its current form is a product of, and representative of, the interests of the dominant group in society, thus overlooking the specific interests of voiceless people (women, indigenous groups, third world inhabitants). By taking into account the importance of culture in constructing social values, and as a space within which to articulate ideas of a 'good life,' cultural, social and difference feminists seek to take women's life experiences as a starting point for expressing equality claims. The critiques emanating from e.g. lesbian and black feminists and feminists of the Global South have highlighted that women are not a homogenous group and do not always identify themselves and their interests in gender terms. The importance of other interests in their lives as sites of oppression, such as racism and homophobia, make representing 'women's' concerns a complex task. With this in mind, the growing use of the normative view of the intersectionality of women's issues has been integral to feminist theory seeking to incorporate a diverse and heterogeneous discourse on women's rights. In contrast to this, strict cultural relativism places primary importance upon the survival of cultural norms over the internal demands for the progression of women's equality.

Molyneux (2002) and Yuval-Davis (2006) support the incorporation of intersectionality into feminist theory, recognising the different interests that intersect with gender along lines of class, social and economic positions, ethnicity and sexuality. Haas and Blofield (2005) argue that in Chile 'both religious and class based opposition to reform is strong' (39). An important question in the

debate concerning women's participation in newly elected governments must be raised: 'who speaks for women?' (Rao, 1995; see also Orentlicher, 2001). This debate has a two-fold relevance; firstly, women are not a homogenous group who pursue an identical agenda concerning issues such as reproductive rights, and secondly, the Church and conservative elements within government also claim legitimacy for legislating women's lives in their interests. Kymlicka (1995) in his work on cultural relativism argues that it is possible to justify group rights if the individual members have autonomy within the group as individuals and are allowed to freely leave the group if desired. However, with no women in the Church hierarchy and social pressure on its members to comply or risk cultural exclusion, women cannot be said to have total autonomy or to influence the decisions regarding their sexual and reproductive rights.

The intersectionality perspective holds that in order to understand sexism and its effects on women's lives, 'we also have to understand how it interacts with and sustains other forms of domination, such as racism, classism, colonialism, and imperialism' (Richards, 2005: 204). Richards argues that it is imperative to recognise 'power imbalances and inequities among women and that patriarchy combines with other forms of domination to shape women's lives differently across historical and geographical contexts' (Ibid. p. 205). She uses the example of Mapuche women in Chile who felt marginalised from the mainstream women's movement. The Mapuche women formulated their own version of women's rights which respond directly to their lived communal reality, as many women felt that the individual focus of the IBHR had caused the demise of their traditional communal way of life. In this way, the Mapuche women highlighted and challenged one of the central debates of the rights movement through their critique of the universality of the lived experiences proclaimed in the IBHR and the focus on the individual. As Richards explains,

'Mapuche women do not separate gender from other aspects of their identity; for them, gender combines with race, class, and nation to coproduce the particular modes of domination and resistance that they experience. They seldom feel represented by nonindigenous national and global women's movements' (2005: 209).

This, however, does not signify that theorising about women's equality as a whole is a futile task, since being too concerned with differences amongst women can prevent action against abuses of women's rights. Critical contributions to the argument from scholars such as Susan Moller Okin (1999), who scrutinises strict cultural relativism, are beneficial in highlighting forms of oppression legitimated via superficial references to culture. Okin argues that when living in an oppressive culture, many people internalise discriminatory practices as a way of dealing with them. She adds

that 'there is a tension...between feminism and a multi-cultural commitment to group rights for minority cultures' (1999: 10). In many circumstances, feminism is at odds with the notion and content of minority group rights that tend to favour patriarchal interests. To highlight this point, Okin uses the example of Magrebin cultures in France who practised polygamy in late 20th century France, which critics argued was out of step with contemporary secular, liberal feminist values. However, post-colonial and post-modernist theorists hold that we cannot treat groups such as women as homogenous entities and apply theories without regard of race, ethnicity, sexuality and class as these considerations 'intertwine and are inextricably, mutually constituting' (Flax, 1995: 505).

Both Okin and Nussbaum are critical of what they regard as the 'anti-essentialism' which has become prevalent in feminist theory arguing that we cannot comment on the oppression of others, yet neither scholar seeks to 'standardise solutions' (Okin, 1994: 20), preferring instead to open the dialogue between these positions. For instance, Donnelly argues that 'the most important controversies are likely to arise over practices that are defensible according to internal standards but unacceptable by external standards' (1984: 406). However, this argument does not apply to the reproductive rights debate in Chile since significant support exists within Chilean culture in support of reproductive rights. This raises the importance of a feminist discourse that scrutinise structural inequality, power and influence, which fail to be addressed sufficiently within the language of human rights. As Peggy Antrobus of Development of Alternatives for Women in a New Era has highlighted, although women are divided across race, ethnic, class, language and religious lines, they share a commonality of interests in eradicating the discrimination they face in politics, economics, society and the media.

Intersectionality is undoubtedly important to consider in our analysis and we cannot deny that differently situated women experience SRH differently according to their different identities and positions (e.g. levels of economic access, religious beliefs etc.). However, when these identities are placed to one side (for analytical purposes) the overarching commonality of which group are affected by the illegality of abortion are women. The SRH debate, the informal institutions that regulate access to SRH relate to gender, more specifically to the role of women in society. As with most conceptual dichotomies, I would argue that the binary cultural relativist/universalist debate is too totalising in its epistemological position and neither position is particularly conducive to women's equality. This debate is of central importance to the work carried out for this research and informs one of the key research questions; what deters cross-class solidarity? This question

will be addressed in greater details in chapters 4, 5, and 7 and is intricately linked to the debates throughout the empirical work.

1.7 How Can We Apply Feminist Institutional (FI) Theory? Gendering Gendered Institutions

'The role of informal institutions as a key dimension in their own right has, until recently, not had sufficient attention from those looking at institutional change' (Waylen, 2013; 11)

Feminist Institutional theory is a field of analysis that focuses on the role of both formal and informal institutions and individual agency on policy outcomes. It is crucial to the analysis of the role of informal discourse in the reproductive rights debate in Chile. Feminist Institutional theory (FI) can be understood as 'focused not just on (women) actors but also on the interaction between actors and structures/institutions and on the institutions themselves' (Staab and Waylen, 2014: 1). This theory is of critical importance to my research as I seek to look beyond the actions of individual actors, or individual laws, and instead look to the role of institutions in shaping responses to gender issues, arguing also that there is a high level of interconnectedness between these areas.

Much work has been done in the areas of Historical Institutionalism (Mahoney and Thelen, 2010) who argue that our understanding of institutional change must be increased, and further enhanced with a focus on how change is gendered; there is a growing body of work in the area of FI and the role of women in executives (McLeod et al, 2014; Mackay, Chappell and Kenny 2010; Siavelis, 2006; Murray, 2010; Waylen, 2013 Waylen and Staab, 2014). Waylen argues that 'changing institutions is a key priority for anyone wanting to promote gender equality' (2013: 2). But what do we mean by institutions? Institutions are widely understood as rules, norms and practices (Waylen, 2014; Schmidt, 2008); we can further separate institutions into formal and informal ones. Examples of formal institutions are government bodies, the executive, legislative, legal systems, organised religion (which I argue can be seen as both a formal and informal institution), criminal justice systems, the police and army; these are forms of organisation that are largely reliant on the political system for enforcement. In comparison, informal institutions, although not reliant on the government for enforcement, rely on other forms of enforcement measures such as social norms; marriage (which can be seen as both informal and formal), gender roles, cultural practices and attitudes. It is for this reason that I argue that the Church can be seen as both a formal and informal institution as the Catholic Church (and many Evangelical Churches) have a centralised hierarchy that dictates the direction of the Church and its stance on issues.

Many Churches require a formal 'joining' process, which differentiates members from non-members, and some Churches are able to impose sanctions on members who violate rules or agreed conduct. Moreover, the Church is also an informal institution as far as it both creates and enforces social values. The benefit of applying an FI approach, according to Vivien Lowndes, is that it looks at 'how gender norms operate within institutions and how institutional processes construct and maintain gender power dynamics' (2010: 65). The purpose of applying FI theory in this thesis is intended to expand upon analyses that deepen our understanding of how institutional change (or lack thereof) is gendered, in order to open avenues for gender sensitive change.

Institutions can be understood as mechanisms of organisation; the organisation of power between and amongst individuals, dependent on some level and form of enforcement. Further, there exists much interplay between formal and informal institutions and they often depend upon each other for compliance and design. I would argue that no better can we see this played out than with laws and policies surrounding sexual and reproductive health and gender roles. Feminists have highlighted the gendered nature of public and private institutions and the ways in which these institutions cement gender norms and vice versa (Chappell and Waylen, 2013; Mackay et al, 2010). For example, as argued in this thesis the illegality of abortion is based on an ideological perspective of gender roles and responsibilities that inform opinions and enforce specific ideas (i.e. informal rules). The formal institutions that act as obstacles include laws criminalising abortion, the lack of women in decision making roles in government and beyond, the lack of funding women have for electoral campaigns, the binominal electoral system to name a few.

Another example is marriage, which is a formal and informal institution protected by law and public policy (e.g. monetary benefits), and at the same time by cultural norms (e.g. norms around heterosexuality and monogamy). FI theory raises the question: 'does change to formal institutions change informal institutions or vice versa?' Formal institutions do not act in isolation from informal ones; they inform each other. Discourses are crucial in shaping the content of future laws and formal institutions. This is viewed with some excitement by activists, academics and advocates of gender equity as it suggests that institutions are not static, there are gaps and openings to exploit, thus providing evolving access points for gender positive advocacy (Mackay et al 2010).

The following empirical chapters highlight the importance of informal institutional change and ask how such change comes about. I argue that activists use a promising twofold strategy: deconstructing the gendered nature of the “pro-life” discourse and applying new forms of activism that set informal change at the centre. I then assess the case of emergency contraception and argue that formal institutional change is not sufficient without informal ditto when seeking to create meaningful and lasting reform. The same can be said for reform to informal institutions alone. As Lidia Casas argues, ‘even if you move forward here in civil society, then you have to deal with real politics’ (interview 9). There is continued disagreement over which arena to focus on; Maria Antonieta Saa explained that as a politician she has learnt (from the case of Adrian Muñoz’s attempt to reinstate therapeutic abortion in 1991) that until society changes then politicians will not act on a divisive issue; society must push for change (interview 23). Given that the formal institutions have not changed thus far it has been impossible to tell, and the informal institutions of gender norms and attitudes have been changing at a very gradual pace and are yet impossible to accurately measure. However, with formal institutional reform on the horizon, researchers may be able to come closer to answering this question.

These movements highlight the informal institutions of gender norms and patriarchy as root causes of the lack of sexual and reproductive rights and critique the nature of the abortion discourse. But what do we mean by change and how can we measure it? Traditional analyses (as explored in chapters 3 and 5) have measured and assessed the women’s movement(s) by certain criteria, which are not applicable to the younger radical branch of the movement(s); therefore new analyses are required. Our analyses should match the objectives of activists themselves and not be measured by our own parameters of success, or indeed parameters that do not change with the evolving context of the movement(s). Since sectors of the feminist movement aim to reform informal institutions, it is important to consider how we as researchers can quantify this form of change in our analysis.

Helmke and Levitsky argue that

‘research on informal institutions confronts a set of practical challenges that are quite distinct from those of formal institutional analysis. One challenge lies in simply identifying an informal institution. If a rule is unwritten, how do we demonstrate that it exists?’ (2006: 25).

They add that this form of analysis, then, is best suited to case-oriented, ethnographic research in addition to triangulation methods, as applied in this thesis. In order to measure informal

institutions in Chile, the method applied by Siavelis is to 'generate a hypothesis about behavioural patterns that are consistent *only* with the existence of a particular informal institution, and then test empirically for the existence of those patterns' (Helmke and Levitsky, 2006: 25). This is the method that I apply in chapters 4, 5 and 6; I explore the implicit and explicit conservative gender ideology that underpins the position and work of the "pro-life" movements and discourse in Chile, thereby linking the reliance upon a conservative gender ideology for the continued illegality of abortion.

An additional method that the authors propose is a focus on the enforcement mechanisms; if informal institutions rely on enforcement, then violations of these rules will illicit sanctions. They argue that

'unlike formal sanctioning mechanisms (i.e. legal systems), informal sanctioning mechanisms are often subtle, hidden, and even illegal. They range from different forms of social disapproval [such as] hostile remarks, gossip, ostracism, to the loss of employment...and other means of extrajudicial violence' (2006: 26).

In chapters 4 and 5, I analyse the mechanisms of enforcement used by the "pro-life" sector to ensure the dominance of its position and discourse. For example, in chapter 4 I discuss the hostile treatment of women by health professionals and "pro-life" lawyers. I also explore the refusal by several regional mayors to provide emergency contraception to women in accordance with the law on the basis conscientious objection, and the impact of the foetal rights discourse, which I argue is reliant on women's sacrifice and induces feelings of guilt amongst those women who are perceived 'violate' innocent foetal rights.

When the form of change we are measuring is the reform of the informal institutions of gender norms, attitudes and patriarchy, measurement becomes more difficult than if we were to measure changes in formal institutions, such as government policy and law. One way is to simply chart the changing attitudes as recorded by national opinion polls in relation to abortion, or perhaps the prevalence of political projects introduced in the areas of SRH. However, although opinion polls can provide us with some indication of changing attitudes, there are problems with this as a lone method. As noted by many of the interview participants, abortion remains a taboo subject for many, notably the older generations, and more specifically older women. Therefore, people may say that they disagree with abortion in an opinion poll but privately agree. In order to analyse these radical movements it is important to assess them by their own stated aims; therefore I combine traditional indicators (such as opinion polls and service user statistics) with

more qualitative studies of the discourses that different actors engage in. I also analyse the use of social media and ICTs by radical groups such as Linea Aborto Chile. The application of FI theory is crucial to this analysis in assessing both formal and informal change; the ways in which these changes interact with each other; and the extent to which rules can be bent and exploited in order to create change (Waylen, 2013).

Mahoney and Thelen claim that ‘despite many other differences, nearly all definitions of institutions treat them as *relatively enduring* features of political and social life (rules, norms and procedures) that structure behaviour and cannot be changed easily or instantaneously’ (2010: 4). They highlight the difficulties encountered when attempting to reform, influence and shape norms and rules; however, their analysis of institutions also suggests room for optimism. When exploring the ways in which institutions operate, we ought to consider the gaps between structure and agency and the potential that this provides for creating entry points for advocacy. Analysing both structure and agency, in addition to both the formal and informal obstacles, helps us understand why the ‘pro-choice’ movement (politicians, feminists and activists) has not achieved the success it hoped for. One example to illustrate the interplay between structure and agency (and its importance in our analysis) is SERNAM, the Chilean women’s ministry. SERNAM is shaped by the political motives of different governments, which define and redefine its remit and funding. By highlighting these structural constraints we are reminded not to place too limited a focus on actions or opinions of individuals; both structure and agency have to be considered in our analyses of why abortion has yet to be decriminalised and why SERNAM has not played a greater role in this struggle.

One method by which a president can promote a particular proposal is to declare it urgent; doing so requires the Congress to vote on it within 30 days (Stevenson, 2012: 135). However, to the chagrin of many feminists, Bachelet used this method sparingly for proposals relating to gender equality. Stevenson argues that this contributed to the failure of gender positive initiatives such as gender quotas and equal pay for equal work (2006). There have, however, been occasions where Bachelet’s use of conversion has had successful outcomes, for example in the form of changed legislation or improved gender awareness of existing formal state institutions. Siavelis (2006) notes that Bachelet applied tactics of conversion to existing gender sensitive institutions; for example, Bachelet applied urgency to Law 20.066 dealing with intra-family violence, and was able to push this law through quickly (when it may otherwise have sat in ‘*tramitación*’ for years). As Franceschet notes ‘without strong support from the executive branch, bills that promote

women's gender interests are not likely to be successful, often languishing in congress for years without being discussed' (2005: 105). Bachelet also used her executive powers to increase SERNAM's budget by 30%; to give more importance to the Council of Ministers for Equality of Opportunity; to increase the numbers of special legal assistance centres from 54 to over 100; and to establish 90 domestic violence shelters (Haas, 2010: 157). Another example of her successful use of urgency was the proposal to introduce the term 'femicide' in relation to gender-targeted murders within a family unit. Haas argues that the use of urgency in this case was a 'key factor in its eventual approval' (2010: 3).

As mentioned earlier, many commentators (for example: Siavelis, 2006, Haas, 2005) have noted the restrictive nature of structural obstacles to feminist goals (and indeed liberal goals more widely), for example: the strength of the core executive, the over-representation of the right due to the binominal system, emphasis on consensus among many others. Haas claims that the executive branch has more influence on policies approved by Congress than legislators (2010). This adds weight to the argument that without executive support, gender positive reform is unlikely. This is also corroborated by a study conducted by Haas and Blofield (2005), which found that gender related bills that sought to expand women's rights were more likely to succeed if they originated from the executive (SERNAM). However, whilst noting the important role of the institutional executive, they also recognise the pivotal role of gender; namely, whether a bill challenges the current patriarchal gender ideology, arguing that this is a central factor in the success of a political project (along with whether the bill requires economic redistribution). Stevenson (2012) notes that Bachelet's individual impact was clearly visible when compared to her predecessor Lagos; in 2005 under Lagos there were 8 gender equity related projects proposed, under Bachelet this rose to 33 in 2006, 46 in 2008, and 23 in 2009 (UNDP, 2010: 174). Haas (2010) argues that without presidential support, the likelihood of a proposal of becoming law is slim; however there are also many structural limits to presidential power and, thus individual agency (as noted above). Therefore we can see that an analysis of only structure *or* agency would provide an incomplete picture.

1.8 Conclusion

The examples given reinforce the importance of pursuing reform of both formal and informal institutions and further suggest that informal change is crucial to achieving successful, lasting, and meaningful formal change. As highlighted by Stevenson (2012), Siavelis (2006), Blofield and Haas

(2005), and Htun (2003), political gains of recent years (such as improved maternity leave and domestic violence legislation) have failed to significantly challenge traditional gender norms, and only limited progress has been made in the areas of sexual and reproductive rights. Siavelis (2006) concludes that the failure to progress in issues of sexual and reproductive rights reflects ‘the influence of a patriarchal culture, a strong conservative Catholic Church, and right-wing parties with substantial power and the control of most of the media by right-leaning groups’ (2006: 34). When applying an FI perspective one can see that formal institutional change alone often fails to address the root cause of the issue, therefore without addressing the role of informal institutions, change will fall short of expectations. As Stevenson adds,

‘Bachelet did not act alone, and until proponents of more radical gender equity issues can work together, potentially recreating the kind of power that women’s movements wielded toward the end of Pinochet’s presidency, the political-institutional constraints that weigh on potential future presidential allies will limit their actions’ (2012: 143).

Informal institutions are what the radical groups I study in this thesis have focused their activism on, aiming for radical exogenous change. The empirical in-depth research carried out for this thesis explores the role of this autonomous branch of the feminist movement(s) in Chile that has isolated the reform of gender norms as the key to changing attitudes towards abortion. In line with intersectional theory, I argue that economic differences greatly affect the way women experience SRH, which is further highlighted by the ‘universal/difference’ debate that unearths that idea that despite universal claims, women is not a homogenous group and indeed they experience things differently. However, I argue that through an analysis of the above debates, what emerge are the underlying gender assumptions and ideologies that underpin SRH and place women within the ideological ‘private sphere’ – in so far as gender ideology is the ultimate shaping mechanism of attitudes towards SRH. Therefore, it is crucial to highlight and deconstruct this gender ideology. This argument will be expanded upon and demonstrated throughout the following chapters. Intersectionality is important in recognising that certain women are allowed access to SRH and others not, potentially in order to lessen the impetus for change. It is important to highlight the classist and racist aspects of this, but also to explicitly highlight the *gendered* nature of the issue.

Having introduced the feminist theories upon which my analysis is based, I will proceed in the following chapter to situate my position amongst literature on gender in Latin America more specifically, and to explain the methodology used to carry out the research for this thesis. In the subsequent chapter, chapter 3, I explore the evolution of the women’s movement in Chile and the

concurrent control of women's bodies by the state, thereby addressing the historical formal and informal institutional obstacles that have impeded feminist policymaking and activism.

Chapter 2 - Methodology and Theoretical Context

In this chapter, I explain how I address the central research questions and the importance of addressing these questions. I do so by examining the current body of literature in the area of gender and Latin America. My work seeks to add to New and Historical Institutional frameworks as I analyse institutions as 'legacies of historical struggles' (Mahoney and Thelen 2010), not rigidly fixed and thereby providing optimism for the potential space for conversion in this arena. After placing my thesis in the context of existing literature and its gaps, I elaborate on my empirical methodology. In summary, I conducted fieldwork in Chile throughout 2011-2012; for the empirical research carried out in chapters 4, 5, and 6, I undertook in-depth interviews with a wide range of actors involved in the debate who had an influential role. In addition, I employed a variety of ethnographic techniques in order to enrich the interview material, as well as secondary source material. For the research in chapter 6, which focuses on the formal institutional responses to abortion, I carried out in-depth interviews with Senators and Congressional representatives and measured this qualitative data with a content analysis of the political projects from the return to democracy to the present. By doing so, I gained an invaluable insight into the motivations that promoted both 'pro-choice' and "pro-life" political projects. In chapter 7, I focus on the work of two central radical feminist activist groups in order to provide specific empirical examples of innovative tactics in action and their resonance for informal institutional change in Chile. I further postulate on the application of these tactics beyond the scope of this specific case study and the relevance this may have for future analyses and activism in the sphere of social change. I will discuss these empirical methods at greater length later in this chapter.

2.1 Existing Literature

Despite the return to democracy in 1989, more than two decades have passed whilst abortion has remained illegal under all circumstances. Scholarship in this area has sought to understand why this is the case, what has been done to challenge the current situation, what has failed, what has had limited success, and what lessons can be learnt from these cases (Aguayo, Peña and Orellana, 2010; Baldez, 2003; Blofield and Haas, 2005; Cabal et al, 2003; Casas, 2004; Craske, 2000; Gideon, 2006; Gomez, 2008; Guzmán et al, 2010; Nazarit, 2007; Rios Tobar, 2002). This research seeks to add to the existing body of work in the field of Latin American feminist theory and politics, and speaks to similar work attempting to locate what Haas (2010) terms 'multiple access points' for feminist advocacy. Much work has focused on the political proposals; formal institutional

obstacles; the role of political parties in legislating on women's rights (Macaulay 2006); feminist policy-making more specifically (Haas, 2010); the actions of traditional women's movements (Casas, 2004); the strategic use of rights by minority groups (Willmott, 2002); the role of women's policy machinery (Franceschet, 2005; Macaulay, 2006; Waylen, 1997); and electoral politics and gender quotas (Baldez, 2004; Franceschet, 2005; Htun and Jones, 2002).

However, gaps in the literature exist concerning the role of informal institutional change as an impetus for formal institutional change and the importance of informal change in tackling structural gender inequalities, and, more specifically, on the use of new forms of Information and Communication Technologies (ICTs) as a way in which to achieve such change. Developments in feminist movement tactics, paired with the evolution of modern technologies utilised by social movements worldwide, have created a need for new analyses that consider their influence. I argue that although autonomous activism is by no means new, the tactics, and their potential to reach beyond previously insurmountable boundaries, are. This research seeks to address this gap and enrich our understanding of the impact of informal institutional change and new forms of generating such change.

The focus of this thesis is informal change (gender norms, language, and framing) since much insightful work has already been conducted on the role of formal institutional obstacles. A study conducted by Blofield and Haas in 2005 focuses on cross issue analysis by measuring the success of gender related bills against different criteria, concluding that bills which had a greater success rate were those which originated from SERNAM, did not threaten the existing gender ideology and did not require economic redistribution. They argue that an 'analysis of both institutional and political and ideological factors is essential to understand fully the political process and outcomes for political and social reform, in this case women's rights' (2005: 35). This study is useful for the research in this thesis, which builds on the work carried out by Blofield and Haas who look at the period between 1990 and 2002 and focus on the legislative responses to a variety of gender related issues; I focus on a single case study of abortion and provide an in-depth analysis of the gender ideology that shapes attitudes to SRH, subsequently I use this analysis to assess the tactics of sectors of the radical feminist movement to overcome such obstacles. Haas (2010) examines the issue of framing in the abortion debate, however, the analysis focuses on political obstacles and what she describes as 'inarguably a core component of progress on women's rights: the passage of legislation that promotes the goals of the feminist movement' (2010: 4).

Mala Htun argues that the framing of abortion as a 'moral issue' is one of the central reasons behind the failure of legislative reform (2003). Htun's research is of great importance to the research in this thesis as it lays the foundations of a critique of framing the issue of abortion and the impact this has on formal institutional responses. Htun argues that 'it is often only when laws lag social practices by decades that they become uncontroversial enough to be changed' (1998: 3). If by practice we mean both actions and attitudes then a cursory glance at support polls suggests that abortion is still a controversial issue in Chile. Therefore, reform of social attitudes and practice must occur in order to bring about legal change on abortion in Chile. My work builds on this important research by looking beyond the formal institutional responses and towards the potential of new forms of activism in shaping the framing of gender issues at both the societal and political levels.

2.2 Methodology and Epistemology

Throughout the thesis, I argue from a feminist perspective. The thesis is based on the premise that the feminist objective is safe, legal access to sexual and reproductive services, including abortion. The 'pro-choice' activists interviewed for this research supported this position. I situate myself firmly as a feminist researcher, my epistemological perspective is interpretivist; I understand knowledge generation as based upon subjective experiences. Therefore, it is important to be clear about the position I begin the research from as this shapes the research questions and methodology. I have been aware at all times of my position as a white European in the research process; being aware of one's position, and the privilege that this can sometimes afford, was important in order to ensure that I avoided misrepresenting participants and that I engaged fully with those involved, whilst acknowledging the limitations of the research due to being based on a select group of participants. An issue that arose during the planning of the research methodology was the lack of engagement with lower class and indigenous women. I wanted to interview and engage with those who had power and influence over shaping the content of the debate. My interviews therefore reflect a class division central to Chilean society – those interviewed were mainly well-educated, middle-class professionals (in addition to university students). However, this research is not intended to be a comprehensive examination of the negative effects of the illegality of abortion upon differently situated women, but rather, an analysis of how those in power are able to control the interpretation of the discourse surrounding issues of SRH, and therefore overlook economic and social inequalities.

2.3 Methods

The central question of this thesis asks whether the human rights discourse is an effective framework and to what extent the politics of the interpretation of the human rights discourse acts as an obstacle to the legalisation of abortion. This question requires an analysis of the gender ideology and other informal institutions that shape access to SRH. In order to achieve that, research methods that could deconstruct meaning, look beyond nuanced statements and place these statements within a wider context were required. Therefore, the methods used were largely qualitative; however, some quantitative methods were applied. For example, in order to measure citizen support, quantitative methods were used; in order to contextualise these figures, qualitative analyses were applied. The data gathered is largely based on in-depth interviews with elites (politicians, religious representatives and academics) and activists, which were then measured against secondary and other primary sources.

When interviewing, I often used open-ended questions in order to allow the participant to speak freely. I then applied triangulation by assessing the overlapping answers of all of the interviewees and measured this against primary and secondary sources, for example, newspaper articles, political projects, books, speeches etc. This allowed me to corroborate the findings and confirm my interpretation of the material. Here I drew on the work of King, Keohane, and Verba (1994) and Merriam (2009) on designing social inquiry for research situations in which quantitative measurement is undesirable. Other studies apply similar methodological methods; I drew on a tradition in this field of applying both qualitative content analysis and quantitative methods in order to produce a rich analysis. Qualitative content analysis 'goes beyond merely counting words or extracting objective content from texts to examine meanings, themes, and patterns that may be manifest or latent in a particular text. It allows researchers to understand social reality in a subjective, but scientific manner' (Zhang and Wildemuth, 2009). The study of ideology and discourse (informal institutions) and their interplay with formal institutions required a mixture of qualitative and some quantitative methods, as the study of norms and attitudes can be a subtle and nuanced field. Interviewees and actors are sometimes willing to express explicit opinions regarding gender norms, attitudes to abortion etc. However, others express far more subtle opinions and interpretation measured against other sources is required; quantitative methods alone cannot achieve a nuanced analysis of such material. Therefore, triangulation is extremely useful in order to cross-reference data.

2.4 Interview Process

The primary method of data collection that I applied was in-depth interviews with the central, influential actors involved in the abortion debate in Chile. By living in Chile for 14 months, interviewing only in Spanish and working with Chilean participants, I attempted to ensure a fair representation of the actors involved from different viewpoints and the interpretation of the material. I carried out 44 in-depth interviews (all but one in Spanish at the request of the participant who had studied and lived in an English speaking country).⁷ I wrote transcripts of the interviews in order to ensure accurate citations; this process was imperative to ensure that interviewees were accurately represented. In order to analyse the underlying ideologies and meanings in interviewee responses I applied discourse analysis to assess the participant's statements after the interview had concluded in order to read implicit signs and meanings. During the interview, I asked further questions (sometimes around the subject and other related subjects) in order to gain a deeper link between statement and meaning and gain a greater understanding of the participant's ideological viewpoint.

I identified these actors in relation to their centrality and influence in the abortion debate in Chile, as this research is focused on who has the power to interpret the content of human rights. Additionally, I choose the participants from various professions in order to have a wide variety of opinion reflecting different sectors of society who have a certain level of influence and role in the debate. I began by identifying the key actors in the debate through a use of primary sources (such as proposed bills, lists of attendees at Senate/Congressional commission debates , and by attending the Senate debate of projects 6845/7373/7391 during 2011) and secondary sources (such as books, articles, online newspapers, broadcast media). Once I had identified the principal actors, I contacted them via email explaining the exact nature of the study and which institution I was from,⁸ and employed a snowball technique, whereby each interview that I conducted I generated contacts. I also organised some interviews via the phone or in person when attending seminars or debates. I began each interview with one clear question: do you agree to have this interview recorded and the information used in my doctoral thesis? I then transcribed the interview and stored the information on an external USB, which was kept locked away at all times.

The participants included politicians (Senators and Congress men and women), specifically those who had authored or signed a political project in favour or against any type of abortion or

⁷ See appendix 2 – List of Participants and Interview Dates

⁸ An example email is attached in appendix 3.

abortion-related project⁹ since the transition to democracy; lawyers; activists; doctors; academics; “pro-life” and ‘pro-choice’ interest groups – those involved in shaping the content of the debate. The participant selection process was informed by the theory I applied; as FI theory highlights the importance of both informal and formal institutional change, I selected people who had a role in shaping formal and informal institutions. The starting point was a feminist analysis of the human rights framework – this was intended to be a critical analysis of the informal institution of framing. As the interview process progressed, the theory became more grounded in the data findings as the data collection deepened (Zhang and Wildemuth, 2009). I conducted interviews with a wide range of actors until the material gathered suggested that I had reached what Strauss and Corbin (1998) refer to as ‘saturation point.’

I gained a 3 month access pass to the Congress and Senate through a contact I made when interviewing in Puerto Montt, this contact knew the legal advisor of one of the Congressional Deputies who helpfully provided me with a pass. I was therefore able to interview numerous high profile politicians (six Senators and six Deputies) in addition to legal aides and policy advisors. I secured and carried out these interviews independently. This access pass was useful not only for securing interviews with politicians but also for the context and ‘behind the scenes’ view it offered; for example, by taking coffee with politicians, legal policy advisors and administrative staff I was able to gain a sharper sense of the informal mechanisms of the state.

The research found in chapters 4, 5, 6 and 7 was gathered by a process of mixed qualitative (and some quantitative) methods including in-depth interviews, which were supplemented by articles, newspapers, books, rallies, seminars, talks, newspapers and other secondary source material. Chapter 5 is comprised of interviews carried out with politicians (Senators and Congress men and women) coupled with an analysis of the proposed bills related to abortion since 1990 to 2011 (the end of my fieldwork). The content generated from the in-depth interviews was measured against the participant’s actions and the views they expressed in several primary and secondary sources; this was especially true for politicians who are famous for sugar coating opinions. The conclusions drawn were not only based on the interviews carried out, but through a process of triangulation: including the analysis of the proposed legal projects, newspaper articles, participant observation,

⁹ This refers to both therapeutic abortion bills and also abortion on the grounds of mental, physical, economic reasons; political projects have not been strictly limited to therapeutic abortion. By ‘abortion related’ project I refer to projects, which, although they do not directly mention abortion, the proposals are intended to limit the possibility of pro-choice legislation. Such bills included those that sought to erect monuments to aborted fetuses, and those which sought to increase criminal penalties for women who had carried out abortions.

talks and workshops attended, books, academic work – all of these sources worked together to build a picture of explicit and implicit attitudes.

In addition to in-depth interviews, I employed a range of ethnographic research techniques that were essential to the analysis of informal institutions (such as power dynamics in social hierarchies – in universities, the health service, understanding the tactics of radical feminist organisations and so on). I employed participant observation, attending several seminars and meetings of feminist groups and “pro-life” groups, the annual feminist *encuentro* in Valparaiso, and the abortion project debate at the Senate. Attending events such as these helped contextualise the wider situation of views and attitudes towards abortion and SRH in different sectors of society and isolate the key actors and interest groups.

I coded the interviews using recurring topics and issues in order to isolate the relevant views, experiences and underlying ideologies. Extrapolating meaning from interview data is a form of ‘data reduction and sense-making effort that takes a volume of qualitative material and attempts to identify core consistencies and meanings’ (Patton, 2002: 453). I applied section-by-section and (often line-by-line) coding to extrapolate information and recurring patterns and issues. I then organised this information into topics and put these into different documents – those in the “pro-life” and ‘pro-choice’ sectors. I detailed page numbers for each topic and section; I then referred to these documents for the purposes of different chapters. For the specific chapter plans I carried out detailed coding (with pen and paper) after deciding what the main topics of the chapter would be, I went through all the relevant documents for those topics and detailed page numbers rigorously for each chapter plan. I brainstormed in order to see the bigger and smaller pictures of the individual chapters and the thesis itself. I would write small notes about what the main objectives of the chapters were, continuously evolving the ideas and topics to fit them into the best possible flow.

2.5 Sample Limitations and Ethical Considerations

My methodology is constructivist in that I began with questions based on my theoretical perspective, but allowed the data collection to further shape what the research should focus on. I began with my original theory and hypothesis (generated from secondary research); during the interview process, later analysis of in-depth interviews, and primary source material I ‘allow[ed]

themes to emerge from the data' (Zhang and Wildemuth, 2009: 3). This in turn helped to focus the research into specific areas and subsequently shape the conclusions reached.

There are several limitations involved with conducting in-depth interviews. One well-rehearsed challenge is that interviewees often try to present the best possible image of themselves. There is a tension between taking interviewees' comments at face value – for example when “pro-life” advocates claim they are not opposed to gender equality, or they try to downplay any religious connections (which is addressed in chapter 6) – and analysing the hidden meanings or purposes of such statements. Whilst recognising that my method is based on interpretation (and is therefore slightly limited), I have tried to ensure that the conclusions drawn are based on more than one quote or one person's opinion. For example, the analyses surrounding ideas of women's chastity, women's natural role as mothers (and other gender roles) were expressed by a variety of actors and were therefore legitimated by cross-participant corroboration. This removed, as far as possible, my role as interpreter and provided instead a platform for the responses of interviewees.

In order to draw out implicit attitudes, I designed the interviews to be semi-structured, allowing the conversation to evolve naturally and to delve deeper into underlying ideologies and perspectives of the interviewees. I ensured never to give my opinion even when pushed (which occurred in several interviews). I also used non-leading questions and phrased questions in an open and non-judgemental manner (Ritchie et al, 2014). Further, I allowed interviews to go off topic if I felt it would unearth useful contextual opinions (views on gay rights, the family, etc. which showed a wider conservative ideological tendency of “pro-life” interviewees). The interview questions were designed differently for each group of people (“pro-life,” ‘pro-choice’, politicians). However, I also had a set number of questions that I asked all participants that prompted very different answers from opposing sectors. Examples of interview questions asked according to the type of participant are attached in Appendix 4-8.

Another limitation to interviews is that they are often time-consuming. When sufficient time was available, the lengthiness of interviews was a benefit as it provided an opportunity to go into greater detail; however, I faced time constraints when interviewing politicians. They generally limited the discussion from between 10 minutes and an hour (only one interviewee allowed an hour's discussion),¹⁰ with most limited to around 20 minutes. Additionally, as Augusto Pinochet

¹⁰ This was the feminist Deputy Maria Antonieta Saa who I interviewed in the Ex-Congress in Santiago.

moved the Senate and Congress to the city of Valparaiso during the dictatorship, securing interviews with politicians was very time consuming for me. During the fieldwork I lived in the capital city of Santiago – in order to attend the Senate and Congress I had to take an hour and a half's coach journey. Once inside the Senate/Congress, the next task was to relentlessly chase politicians and their aides hoping to secure an interview, or to follow up on the promise of an interview. This process took over 3 months and bore 9 interviews. Though costly in money and time, these interviews provided me with insider insights and personal anecdotes that secondary sources could not.

Before embarking on fieldwork, I completed the Queen Mary ethics committee application and assessed which issues I needed to be aware of, and I received the approval of the Ethics Committee. Though the majority of my interviews were not problematic in this sense, I interviewed one woman who had personally been denied an abortion when she found out that the foetus she carried was inviable with life. This was a sensitive topic, though as this participant had written several articles and appeared on the news discussing the topic I understood that she actively sought to publicise her case in the hope that others could be spared the suffering and fate she had experienced. Therefore I carried out the interview, was vigilant in remaining empathetic at all times and informed the participant that she could stop at any moment or refuse to answer any questions.

During another interview, the participant asked to recount a story off the record; I stopped recording and used this story in the thesis without referring to the participant or providing any identifying information. As this study is based on human subjects, it was important at all times to ensure that participants were protected and to inform them that they did not have to answer any questions that they felt uncomfortable with. After the interview data had been collected, I ensured the confidentiality of this data by transferring a copy to a password-protected USB stick and wiping the recording from the Dictaphone. Additionally, when the interviews were transcribed, I numbered them according to participant instead of using names and kept this document separate from the recordings and transcripts.

2.6 Conclusion

In keeping with my main theoretical influence, Feminist Institutional theory, my empirical methods address activities both within and outside formal institutions. Combining the use of in-

depth interviews and ethnographic study with official documents and secondary sources, I have attempted to build a multi-faceted analysis on a nuanced situation. I aim to fill gaps in existing literature both in terms of the topic area (through covering radical autonomous actors as well as more established ones) and in terms of the theoretical underpinning (through paying attention to informal institutions and the ways in which they *interact* with formal ones).

In the following chapter, I examine the historical context of state intervention into women's sexual and reproductive health, arguing that there has been a notable lack of focus on women's rights. Further, I explore the evolution of the women's movement in Chile in response to the changing political landscape. I situate this changing landscape within the context of the transition from dictatorship to democracy, thereby addressing the historical formal and informal institutional obstacles that have continued to impede feminist policymaking and activism alike.

Chapter 3 – Historical Limitations to Feminist Policymaking and Gender Activism

*‘The daily experience for women is authoritarianism’
(Julieta Kirkwood, 1988: 19-20)*

To understand the challenges facing the feminist movement(s)¹¹ of today and the context within which they agitate for sexual and reproductive rights, it is imperative that we explore the evolution of the technology and discourses surrounding reproductive rights from the 1930s until 1989, when therapeutic abortion was repealed and criminalised by the outgoing military dictatorship. This chapter seeks to chart the incorporation of the human rights discourse into the citizenship demands of the Chilean women’s movement, evolving from a discourse of women’s activism based on traditional roles as ‘militant mothers’ (Pieper Mooney, 2009) to rights demanding citizens, thereby helping us to locate women’s changing position within Chilean society and politics throughout the 20th century. Through an analysis of the evolving discourse and policies surrounding SRH throughout the 20th century under different governments, in keeping with feminist cultural relativity theory I will highlight that ‘moral’ beliefs regarding SRH are relative, rather than absolute. This chapter highlights the formal and informal institutional obstacles that affected the evolution of women’s rights once a return to politics as usual occurred. It also seeks to further our understanding of why, despite women’s dictatorship-era activism and citizenship demands, women’s sexual and reproductive rights have consistently been kept off the political agenda, both in the transition to democracy, the process of consolidation and in the periods of successive democratic governments since. Furthermore, it is crucial to analyse the legacy and impact of the Dictatorship era (1973-1990) on Chilean politics, society, and economy and how the nature of the transition to democracy and the return to party politics limited women’s political access and the political influence of feminist demands.

It is widely argued that traditional political science fails to consider sufficiently (if at all) the gendered nature of citizenship and the central role women’s organisations played in the opposition to the military dictatorship. This limited analysis is a result of a narrow focus on the formal arena of politics and a limited definition of what constitutes politics, thereby overlooking

¹¹ I will be using the terms ‘women’s movement’ and ‘feminist movement’ to refer to different stages and self-identification of the changing movement in the periods pre, during and post-dictatorship. This chapter explores the evolution of the movement from a widely understood movement of women (not necessarily feminist in their perspective of their own work/demands) to the increasingly feminist oriented movement. I will explore in the following chapter how in the post-transition period and in today’s context, it is better to understand the feminist movement in the plural, a diverse grouping of feminist based movements.

the arena in which women have, and continue to participate (Franceschet, 2005; Randall, 1982; Vickers, 1997; Waylen, 1994). As Waylen underlines, 'any analysis of democratisation that fails to incorporate a gendered perspective or that ignores the actions and impact of certain groups will be flawed' (1994: 327). Further, for the purposes of this thesis it is clear that any analysis of the current state of the abortion debate and the role (limits and opportunities) of the feminist movement that is not situated in the context of the anti-dictatorship struggle and the subsequent transition and its legacy, will indeed be flawed. As established in the methodology, my research uses feminist theories to frame my analysis of the transition to democracy and the resultant situation of sexual and reproductive rights today. Feminist theory is integral to understanding the central issues which arose as a result of the activism of the women's movement during the anti-Allende,¹² anti-dictatorship and transition periods and this chapter explores the development of women's political consciousness through the changing notions of the public/private domains, as well as the difficult decision which arose during the transition period (and persists today) concerning whether to pursue a tactic of integration or autonomy from party politics. Additionally, applying a gender analysis allows us to analyse the link made by Chilean feminists during the dictatorship between authoritarianism and patriarchy, from which evolved the rallying cry of 'democracy in the country and in the home.'

3.1 The Changing Landscape – Abortion from 1930-1973

At the beginning of the 1930s, Chile was suffering from a private epidemic of maternal mortality caused by high rates of clandestine, unsafe abortion, and limited reproductive technology and medical resources. During this time, around half of the women who were hospitalised had carried out an abortion (Guajardo and Jara, 2010: 30). As a result of this epidemic, the issue was transformed from a private issue into a matter of public health with doctors and researchers turning their attention to the importance of reducing maternal mortality and promoting advances in reproductive technology. The reasons for this were (arguably) twofold and must be seen in light of both the political nature of motherhood and the international context in which the advances took place.

Therapeutic abortion was legalised in 1931 and required the signature of 2 physicians. However, many women continued to rely on clandestine measures due to a lack of access to medical care for economic reasons and persistent cultural attitudes that demonised abortion and valorised

¹² Salvador Allende was President for 3 years from 1970-1973 before being overthrown by a coup led by Augusto Pinochet on 11th September 1973.

motherhood. Between 1930 and 1964 the population almost doubled from 4.5 million to 8 million; with the population of the capital city of Santiago replicating this rise from 1.9 to 2.9 million from 1960-70 in a process of mass urbanisation (De Ramon, 2000). In 1940, the number of women hospitalised due to clandestine abortion was 16,560; this figure almost trebled in 1960 to 48,186 (Guajardo and Jara, 2010: 30). In 1963, hospital admissions for abortion accounted for 26.7% of all blood used in emergency services, with only a third of women admitted for post-abortion complications leaving the hospital alive (Pieper Mooney, 2009). In response to this crisis of rates of maternal mortality and limited resources to deal with the negative consequences of clandestine abortion, Chilean medics developed pioneering techniques to control fertility. In 1969, Jaime Zipper invented the Zipper ring - an intrauterine device widely acknowledged as the predecessor to the Copper T. His legacy, it is argued, is 'the inheritance of all of humanity' (University of Chile, Faculty of Medicine, 18/03/2011). Dr Zipper, along with many other prominent doctors, used Chilean women as material (without regard for their individual rights) for their experiments that supplied valuable research for the medical world beyond Chilean borders.

Parallel to these scientific medical advances, the anti-maternal mortality discourse began to incorporate wider arguments for the implementation of population control policies. The medical community alongside population planners argued that women's reproductive capacity was no longer a private matter and was directly linked to modernisation, political stability (internationally and nationally) and economic growth. This view was echoed by international planners and politicians and emanated from post-World War Two and present Cold War concerns about over-population and its potential for political instability. In this way, population planners and politicians sought to control women's reproductive capacity to serve their own interests. Although the increase in the use of contraception and the decrease in fertility rates were beneficial to Chilean women, the discourse in which it was expressed denied the agency of women as individuals. Instead, the focus on Planned Parenthood and increased contraceptive use sought to promote economic growth and modernisation, in place of empowering women to choose motherhood. In this sense, Pieper Mooney argues that 'this historical trajectory inspires a cautious reassessment of Chile's path toward gender equity in the context of women's reproductive and sexual rights' (2009: 46).

The evolution of the position regarding reproduction and contraception also needs to be considered in the context of the Catholic Church's evolving position. As Klaiber highlights in the case of Latin America, 'the Catholic Church, with deep roots in the history of Latin America,

exercises considerable influence on all levels of society' (1998: 407) and thus its stance on reproductive issues has had significant clout in Chilean politics and society. Since the legalisation of abortion in 1931 and the introduction of new forms of fertility control, Chilean Catholic Bishops supported life-saving family planning programs. However, after the Second Vatican Council and the Bishops' conference at Medellin (1968) the Church took up the banner of human rights and began to use the rights discourse to frame its anti-abortion agenda. In his 1968 document *Humanae Vitae* John Paul VI outlined the new and consolidated position of the Catholic Church stating that 'each and every marital act must of necessity retain its intrinsic relationship to the procreation of human life' (*Humanae Vitae*, 1968) in addition to outlawing abortion for therapeutic reasons, all forms of contraception, and the promotion instead of 'natural cycles' as the only means of regulating fertility (section 14 'unlawful birth control, *Humanae Vitae*; 1968). In keeping with this new hard-line position, Pope Paul VI replaced the more liberal leaning Bishops in Chile with conservative Bishops who would be more willing to enforce this new vision.

3.2 Towards Socialism!

In 1970, when Socialist Salvador Allende was elected president, family planning was re-interpreted as a tool of foreign imperialism designed to reduce fertility rates of third world countries to stem the growth of undesirable people, notably the control of Latin America by the U.S.A. The Neo-Malthusian population policies that had characterised the previous decades were rejected and once again women's bodies were subject to control by the state to further its own ideology, regardless of the wishes of women who had come to rely on contraception. The Allende government sought to discourage family planning as a weapon of foreign imperialism and to promote population growth. Indeed, Allende referred to the Chilean woman as a mother and her function in the nuclear family. Despite the advances made in the field of reproductive technology and the need to control fertility to decrease maternal mortality, the discourse remained largely unchanged; motherhood was woman's inherent and natural role. However, Allende did recognise issues such as domestic violence, different moral expectations between men and women, alcoholism and the lack of sex education as gender based problems and attempted to establish a Family Ministry to deal with these matters of inequality.¹³ Allende sought to incorporate women into the Socialist experiment, yet did so on the basis of their 'natural' qualities, urging women to contribute their 'tenderness, modesty and humility' (Allendes Carvallo, 2012: 41).

¹³ Which was presented to Congress in 1971 but not approved.

Pieper Mooney states that, 'motherhood, as the most important signifier of womanhood in Latin America, has been at the heart of the gender system and critical for defining women's responsibilities throughout the nation' (2009: 2). This defining identity has played an important role in shaping advances in reproductive technology and legislation throughout 20th century Chile. Different political actors have used traditional, delineated gender roles to shape approaches to issues of reproduction and sexuality (e.g. abortion, fertility control, appropriate sexual conduct). Pieper Mooney refers to this as the 'politics of motherhood', a process whereby successive governments have applied and manipulated the concept of motherhood and women's roles to further their own ideological ends, thus shaping both the formal and informal institutional responses to sexual and reproductive health. During the democratic period of 1930-1970, in addition to the governments of Allende and Pinochet, reproductive policies were shaped to suit the needs of the state without seeking to empower women as autonomous agents. Motherhood is a political tool used to enforce 'submissiveness and dependency thereby justifying women's lack of individual rights and citizenship' (Pieper Mooney, 2009: 2). Despite advances made up until the mid-70s, reproductive technology and discourses surrounding it were linked to women's natural roles as mothers and decreasing maternal mortality for the purposes of modernisation whilst women's autonomy and citizenship remained absent from the discussion.

3.3 From 'Militant Mothers' to Rights Demanding Citizens

A gendered analysis of the post-Pinochet period of democratic consolidation, and the subsequent limits and opportunities for feminist policymaking, must begin by assessing the nature of the transition itself, 'both in terms of the impact different groups of women had on those terms and the ways in which the terms helped to structure both gender relations and women's activities subsequently' (Waylen, 2000: 770). From the Allende years to the period of military rule and subsequent democratic transition, Chilean women became steadily politicised, with their demands taking on an increasingly feminist position. From conservative anti-Allende agitation to the popular solidarity of women's organisations during the Pinochet regime, women re-imagined gender roles and began to demand rights based on their individual citizenship in place of their roles as mothers. In doing so, they transformed the once rigid public/private division and highlighted the link between authoritarianism and patriarchy. This occurred alongside developments in international human rights treaties and discourses, thereby helping to frame and legitimate women's citizenship demands. How far women were able to transform these demands into political representation and legal changes once democracy returned is debatable, as the

legacy of the dictatorship and the nature of the transition to democracy acted, and continue to act, as substantial obstacles to the implementation of women's demands.

The Allende years (1970-73) were marked by political and economic instability and social unrest. As a result, they served as the experimental starting ground of anti-governmental organisation among women. By 1973, the early optimism (due to the rise in salaries along with an atmosphere of burgeoning equality and justice) soon gave way to a period of economic depression and political instability. Upper and middle classes 'saw their privileges being usurped and thus reacted by attempting to instil fear, both economically and politically' with many investors taking their capital outside of the country (Constable and Valenzuela, 1991: 26). With businesses bankrupted and food shortages rife, women from the upper and middle classes (for the most part) came together in protest against the Allende government (Boyle, 1993; Baldez, 2002) under the title of '*Poder Feminino*' (Female Power). They organised as mothers and housewives using protest tactics of banging empty pots to symbolise the lack of food available. Chilean women had sown the seeds of something larger to come as Pieper Mooney highlights; they 'were on their way to becoming citizens with new rights and obligations. Conservative women contributed to the end of the Peaceful Road to Socialism¹⁴ and to the rise of the infamous military regime led by Pinochet. Yet regardless of their conservative political convictions and their goal to defend gendered traditions, they paved the way for the militant mothers of the future' (2009: 133).

3.4 The Shadow of Dictatorship Falls

The Socialist government of Allende was swiftly replaced by a relatively bloodless military coup in 1973 after a period of widespread civil unrest. The military junta, with General Augusto Pinochet at its head, enforced a series of repressive acts to bring the nation under its complete control.¹⁵ Despite the bloodless nature of the coup, the military promoted the idea that the country was immersed in a state of war in order to justify their heavy-handed actions. The army rounded up political prisoners, sent the former government ministers to Dawson Island,¹⁶ closed the Congress

¹⁴ The 'Peaceful Road to Socialism' was the term Allende used to describe the process to Socialism his government would pursue in line with the Constitution. This respect for the legal process in Chile and its emphasis on strong institutions characterised not only the democratic periods from 1930-1970 and the Socialist Allende period, but also the military regime of 1973-1990 and the subsequent democratic transition period.

¹⁵ The military Junta consisted of General Augusto Pinochet of the army, General Gustavo Leigh of the Air Force, Admiral Jose Toribio Merino of the Navy and General Ceser Mendoza of the Carabineros (police)

¹⁶ Dawson Island is situated in the Antarctic region of Southern Chile where winters are brutally cold.

in Santiago and moved it to the seaport of Valparaiso,¹⁷ banned all political parties, and enforced a series of neo-liberal structural adjustment policies (M.E. Valenzuela, 1998). Additionally, under the junta's command widespread human rights violations were committed: 'more than 45,000 people were held in stadiums, army barracks, and navy training camps...for interrogation' (Constable and Valenzuela, 1991: 20), many thousands of opposition members and Communist sympathisers were killed and many more were tortured. During this period, the Catholic Church emerged as the protector of human rights, acting as a substitute for the political arena by defending people persecuted by the security forces and providing a space in which opposition could organise (Garreton, 1991). In response to the military's wave of repression, women protested against the disappearances of family members based on their roles as mothers and wives. Due to the nature of their actions and demands, they were not considered political and instead their activities were viewed as an extension of their private sphere roles.

The military dictatorship, supported by conservative sectors of society¹⁸, promulgated traditional roles for women and envisaged women's participation in the new society as increasing fertility rates and raising sons and daughters for the *patria* (Franceschet, 2005; Valenzuela, 1991; Valdés and Frohmann, 1995). Pinochet referred to women as weak and in need of strong (male) authority, stating in April 1974 that women 'sought the protection of a strong and severe authority that would restore order and the moral public sphere in our society' (N. Molina, 1989: 64). In 1970, the regime established the National Secretariat of Women (SNM) and re-organised the Mothers' Centres (CEMA - established in 1954) to reflect and promote the ideology of the state, consisting of nearly 1 million members (Valdés and Frohmann, 1995: 9). Women were encouraged (and in some circumstances forced by the CEMA who had their members' medical records) to stop using birth control in order to increase the fertility rate. This pro-natal policy was re-iterated by Jaime Guzman¹⁹ in November 1974 when he stated that 'the mother should have her child even if it is abnormal, even if it is not desired or is the product of rape and even if having it will cause her death' (Jaime Guzman, 1974). Women were encouraged to join the Mothers' Centres by way of much needed economic incentives, as a result of which the regime was able to

¹⁷ The Congress (which is situated in Santiago) is now only used once a week by Deputies. The main Congress and Senate building remains in Valparaiso, an hour and a half's drive from the capital.

¹⁸ It is important for us to consider the support received by the military regime from the upper class/conservative sectors of society as these elements (which Valenzuela terms 'authoritarian enclaves') still hold significant positions of power and influence both in politics and society. It is thus important to remember that with the removal of the military regime, these sectors of society remained and continue to act as an obstacle to feminist demands.

¹⁹ Jaime Guzman was a Senator and founded the conservative Independent Democratic Union Party, referred to throughout the thesis as the UDI party (which is the Spanish abbreviation)

use the Centres to valorise and promote its ideological vision of apolitical mothers (Richards, 2004; Franceschet, 2005). As Chuchryk highlights, 'these two organisations promoted...an image defined exclusively in terms of women's reproductive function...Sacrifice, abnegation, service, honesty, diligence, and responsibility are women's chief characteristics, according to the official discourse' (1989: 160). As a result of the state's economic policies and widespread human rights violations, women became politicised despite the state's very efforts to enforce adherence to its pro-family ideology. (Baldez, 2003; Franceschet, 2005; M. E. Valenzuela, 1991; Valdés and Frohmann, 1995).

The implementation of structural adjustment policies (privatisation of firms, stabilisation of inflation and liberalisation of trade) generated a huge surge in unemployment from 5.7% in 1970 to 16.5% in 1979-81, reaching a staggering 27.4% during 1982-83 (Conway, 1997: 7). Although the regime encouraged women to remain in traditional roles and increase their rates of fertility, the imposition of harsh structural adjustment policies had the reverse effect. Fertility rates decreased from 3.6 (children per woman) during 1970-75 to 2.8 in 1980-85 and their participation in the labour force increased from 25% in 1970 to 30% in 1980 (M.E. Valenzuela, 1998:51). In this sense, women's labour both increased and decreased. As a result of the harsh economic conditions, women were forced, through necessity, to find innovative ways of providing for their families. The *Vicaria de Solidaridad* (the social branch of the Catholic Church) supported and funded groups known as ecclesiastic based communities (CEB), such as *talleres productivos* (workshops), *ollas comunes* and *comedores populares* (canteens and soup kitchens) where women could gather to produce goods communally (see also: Alvarez, 1998; Matear, 1997).²⁰ As Icken Safa underlines, 'many of women's collective consumption strategies, such as communal kitchens, have received church support. While based on traditional women's roles, these clubs provided an additional organizational base from which women could challenge the existing order' (1990: 358). Ironically, this support for women's organising led to a greater political (and later increasingly feminist) consciousness amongst women as they discussed the injustices they suffered in this new communal, public environment. As Schild notes, this 'resulted in developing new decision making and activist capacities' (1997: 127; see also: Icken Safa, 1990; Craske, 2000).

The widespread political and social repression created a dearth of actors in the public sphere. By banning political parties, Pinochet inadvertently created a space in which women could organise.

²⁰ In 1982 there were 495 Collective Economic Groups (OEPs) in Greater Santiago and the surrounding areas. In 1985, there were 1125 in Santiago central alone. In 1982 there were 34 *Ollas Comunes* and in 1985 this figure had risen to 232 as the economic depression took its toll on the poorest (P. Chuchryk, 1989).

In this way the military regime actually helped to engender civil society by providing a space in which women could come together and by doing so brought issues previously considered to be private matters into the public sphere (Craske, 2000; Chuchryk, 1994, Garreton, 1991; Matear, 1997; Richards, 2004). As Craske notes, 'social movements were often an initial step into politics for women, particularly from the popular classes' and offered women a safe environment in which to develop their political subjectivity and contest relations of power in the country and in the home (Craske, 2000:29; Schild, 1997). Valdés and Frohmann argue that the 'roots of the present women's movement can be found in the first years of the military dictatorship in the mid and late 1970s,' through women's experience in collective organisation such as *ollas comunes* and *arpilleras* (1995:10). Although the women's movement of the late 1970s emerged as a response to the military regime, challenging its political repression and harsh economic policies, it had the further effect of politicising women who helped to make the 'hidden anti-democratic structures in Chilean life visible and thus debateable and open to change. The very notion of what was a political issue was enlarged' as the concept of politics expanded to incorporate the daily universe women inhabited which had been invaded by the dictatorship (M.E.Valenzuela, 1998: 47). In this sense, a seed was planted during the dictatorship that managed to grow in a hostile environment and eventually sprung forth in the late 80s as a result of these early experiences with collective organisation outside the home.

The overarching theme that united women was their opposition to the dictatorship. This collective opposition to the 'common enemy' allowed them to generate a united front against the military regime despite their intersecting identities of race, class and religion. As Richards (2004) highlights in her analysis of the role of *pobladora* women, the urban poor were initially driven to organise by the economic crisis. However, they benefited exponentially from their collective experiences in the public sphere and from here, they recognised their own oppression at the hands of their families, husbands and the state (Valdés and Frohmann, 1995). The women's organisations of the mid 70s evolved from a focus solely on economic and human rights issues to gender based demands, linking patriarchy in society and the home with the authoritarianism of the military regime (Kirkwood, 1988; Matear, 1997; M.E Valenzuela, 1998). In 1988 as Chilean feminist sociologist and researcher at FLACSO (The Latin American Faculty of Social Sciences) Julieta Kirkwood declared, 'the daily experience for women *is* authoritarianism' (1988: 19-20). This was a critically important analysis for the development of the women's movement as it helped to shape the demands of the anti-dictatorship actions of the late 1980s and transition period. As such, the movement evolved to incorporate feminist demands and challenge both the

nature of the dictatorship and women's position in democracy (Chuchryk, 1989; Jaquette, 1989; Matear, 1991; Molyneux and Craske, 2000; M. E. Valenzuela, 1998; Valdés and Frohmann, 1995).

Feminists were aware that democracy alone did not entail gender equality; they would therefore have to ensure their demands were heard in the fight to re-instate democracy. As Kirkwood stated, 'the return to democracy will not be for women the reapplication of the recognised liberating model' (1990: 186-7). In 1977, the *Circulo de Estudios de la Mujer* was established, widely noted as the first feminist group. From this group emerged the *Centro de Estudios de la Mujer* and *La Morada*. These groups highlighted the way in which women were referred to as mothers for political and social purposes and linked this to their long-standing inequality. As long as patriarchal society valued women solely on the basis of motherhood, they would never be valued as independent citizens and forever linked to their reproductive capacity. In 1983, MEMCH83 was established to co-ordinate the actions of the anti-dictatorship women's groups and to formulate women's demands for democracy.

Also established in 1983, *Mujeres por La Vida* consisted of well-known political women from different ideological perspectives (led by Fanny Pollarolo, later elected Deputy in 1993) who joined together to demonstrate their unity to the 2 main (male) anti-Pinochet groups who disagreed over transition tactics. On 29th December 1989, *Mujeres por la Vida* organised a women only meeting at the Caupolican Theatre, drawing a crowd of more than 10,000 women in a symbol of solidarity to discuss women's demands for democracy and their opposition to the Pinochet regime. From this meeting came the rallying cry of '*democracy in the country and in the home,*' which Valdés and Frohmann underline was 'first the cry of feminist women and then of the entire women's movement, combining gender issues and the struggle against the dictatorship' (1995: 10). From this point, women's demands changed. Women were no longer willing to be subsumed to the needs of the *patria* as mothers and wives and instead fought for their position as independent rights bearing citizens. By 1987, there were 87 NGOs with a specific gender focus (Franceschet, 2005: 68). The autonomy of these organisations was vital as it allowed women to develop an uncensored criticism of the patriarchal nature of Chilean society and the military regime.

The evolution of the demands of the women's movement in Chile towards a focus on individual, equal citizen rights ran parallel to the developing international human rights agenda, which helped to frame and legitimate the movement's demands (Alvarez, 2000; Htun, 2003; Valdés and

Frohmann, 1995). At the request of the Mexico Women's Conference in 1975, the first United Nations Decade for Women (1976-85) was declared. During this period, several conferences and national *encuentros* were held to discuss the position of women and girls in society and strategies to consolidate women's rights as human rights. The growing focus on women's human rights 'provided alternative ideas with which to challenge entrenched views about gender' (Willmott, 2002: 127). The culmination of the activities during the UN decade for women was the creation of the Convention on the Elimination of All Forms of Violence against Women (CEDAW) in 1979, which clearly defined discrimination against women and established strategies for national action. Natacha Molina notes that the Nairobi conference held in 1985 'marks an important point of reference in support of the movement's proposals. This advocated the creation of national machinery to advance women's interests and to integrate a gender perspective into legislation, and public policies and programs' (1998: 129). The work of Chilean feminists, such as Julieta Kirkwood, helped to translate this international discourse into a Chilean context, explicitly linking the military regime to the patriarchy and inequality experienced by women on a daily basis (Htun, 2005). Additionally, exiled women brought back ideas and experiences they had gained, and applied this newfound language to the Chilean setting. This change in the discourse of the movement's demands can be clearly seen in the content of the demands made by the movement as the country moved towards democracy in the late 1980s.

3.5 The Transition to Democracy – 'Si la Mujer no está, la Democracia no va'

Haas argues that 'any attempt to evaluate the opportunities for progressive policymaking on women's rights in Chile must situate the analysis within the context of the institutional constraints on policymaking endemic to the Chilean political system' (2005: 52). Many of these constraints are the result of the nature of the transition process that produced lasting obstacles to the implementation of feminist demands. As M.E. Valenzuela explains, 'gender equality is not seen as a pre-requisite to the strengthening of democracy' (1998: 47). After the successful 'No' vote of the 1988 plebiscite, Chile began its transition to democracy and candidate lists were prepared for elections in 1989; it was clear that despite their successful anti-dictatorship struggles, women were being marginalised from the process (as expected). In response to this, in 1988 Chilean feminists developed a set of proposals entitled 'Women's Demands to Democracy,' which focused on 3 principal areas - civil rights, reproductive rights and labour rights - and demanded the creation of a government ministry to deal with issues affecting women (Jaquette and Wolchik, 1998). The re-imagining of 'woman' as an independent citizen can be clearly seen in the feminist

demands. The *demandas* described the Chilean woman as an equal citizen and not in terms of her reproductive capacity or as a wife; they instead demanded that she be incorporated fully and on equal terms into the democratic process (Boyle, 1993). The link made by feminists between patriarchy and authoritarianism was of utmost importance as it supported the argument put forward in the *demandas* that the return to democratic rule did not guarantee 'democracy in the home' free from male violence and control, and thus the 'woman question' was not to be treated as a separate issue but as an integral part of the democratic process. The National Coalition of Women for Democracy (CNMD), established in 1989 (an umbrella organisation of female politicians), sought to prepare a set of proposals (based on the *demandas*) for the newly elected democratic government. However, despite women's efficient organisation and clearly articulated demands, once institutional democracy returned women were once again marginalised in favour of a return to politics as usual. It could be argued that this was a result of the lack of structural reform achieved in terms of gender roles; the informal institutions of norms were not sufficiently challenged as to lay the foundations for political representation in the new democracy.

As a final attempt to exert its lasting influence on the gender relations in Chilean society, on 15th September 1989 the military regime outlawed abortion under all circumstances. The terms of transition that followed greatly affected the shape and content of the new democratic government, and thus the opportunities and limitations to feminist demands. The military regime sought to retain substantial influence in the new system by enforcing a series of measures as part of its withdrawal agreement. The military kept control over its budget (including 10% of the revenue from the state-owned copper company), an amnesty law was passed, the 1980 Constitution created by the Pinochet regime was upheld and 9 designated senators were chosen by the regime, thus denying the ruling coalition a majority in the senate. These factors proved to be significant obstacles to the progression of feminist demands (Htun, 2003). The terms of transition enforced by the military regime and agreed upon by the opposition parties greatly shaped the political landscape of subsequent democratic governments. As Matear suggests, 'stability [was] valued over social transformation and consensus [was] valued over debate' (1997: 97). As a result of the need for negotiation with the military in the handover process, the democratic parties agreed not to significantly alter the neo-liberal economic model fashioned by the Chicago boys (a group of Chilean economists educated at the University of Chicago and strong advocates of neo-liberal economics). Thus, economic policies, which had led to an increasing gap between the rich and the poor, were left in place and would prove a significant obstacle to social equality in the subsequent democratic era.

The nature of the electoral system inherited by the democratic government during the transition acted as a barrier to feminist policymaking as it forced parties to form coalitions despite often divergent views (Macaulay, 2006; Haas, 2010). The 1980 Constitution crafted by the military regime instilled an electoral structure known as the binomial system.²¹ Macaulay argues that this system ‘hinders the entry of non-traditional political actors because the very low district magnitude – once removed from the first past the post system – creates fierce internal competition for selection’ (2006: 111). As such, women’s organisations that had gained their political experience during the Pinochet regime were unable to successfully traverse this unknown terrain once a return to politics as usual occurred. In addition to marginalising minority parties and ‘outsider’ status actors (such as social organisations), the system over-represents right wing parties by giving the advantage to the party which wins the second highest number of votes (instead of the candidate who wins the second highest number of votes), which has historically been right-wing parties. Franceschet argues that due to the high threshold required to secure the second seat, women candidates are ‘often passed over in favour of men, who are believed to be more appealing to voters’, which she suggests has led to a pattern of patronage as women who are put forward tend to be related to high profile males (2005: 87).²²

The transition was therefore characterised by the importance of consensus seeking and the centrality of traditional, male dominated political parties which Garreton argues form the ‘backbone’ of Chilean society (1989: XVI). Oxhorn further argues that the political parties and elite actors ‘sought to limit social mobilisation and channel political activity into exclusively electoral forms’ (1995: 242). Alliances were key if the military regime was to be removed successfully, therefore opposition parties were forced to form coalitions and achieve consensus on issues they may otherwise have disagreed upon (Garreton, 1991; Franceschet, 2005; Macaulay, 2006; Haas, 2010; Valdés and Frohmann, 1995). Issues such as reproductive rights, divorce, and gender quotas were considered far too divisive and contentious by the male dominated political parties and were therefore not incorporated into the transition agenda. This, M. E. Valenzuela argues, further ‘sapped the movement’s momentum’ as the search for consensus side-lined feminist issues considered too radical (1998: 57).

²¹ This system requires the first placed party list (each list has 2 candidates per region) to receive twice the amount of votes as the second party list in order to win both of the seats (otherwise a candidate from each list is elected). Its intention, it is argued, is to promote political stability; however, it has the effect of side-lining minority parties due to the high vote count required and instead promotes elitism.

²² For example, this could be said of Marcela Sabat of the National Renovation party whose father is Pedro Sabat who was mayor of Nuñoa. One commentator likened this to a turtle at the top of a lamppost; it is impossible that the turtle got to the top without being put there.

The presidential candidate Patricio Aylwin co-opted the discourse developed by the women's movement during the dictatorship in his speech at the Caupolican theatre in 1989 utilising the movement's rallying cry of 'democracy in the country and in the home' (Valdés and Frohmann, 1995). Valenzuela argues that although the women's movement was not successfully incorporated into the democratic process, the very fact that each political party had to develop their distinct positions concerning women in society was a success in itself (1991: 161). However, others argue that the movement was not influential enough as the newly elected government proved only willing to pay lip service to women's equality by side-lining the issues singled out in the movement's *demandas* (Waylen, 1993). The demands made by the CNMD were watered down by the new government, clearly reflected in the wording of the law creating the National Women's Ministry (SERNAM), which refers to women as intrinsically linked to the family by stating that the ministry will 'ensure equality of rights and opportunities for women...respecting the nature and particularities of women that derive from natural differences between the sexes, including adequate concern for family relations.'²³ Soledad Alvaer (the first director of SERNAM) highlighted from the outset that the ministry would not concern itself with moral (divisive) issues such as abortion and divorce and would instead concern itself with 'strengthening the Chilean family' (Waylen, 1996: 118). Although some commentators have argued that the creation of SERNAM by law was one of the greatest achievements of the women's movement (Richards, 2004; Franceschet, 2005), others have criticised the ministry due to its many limitations (Craske, 2000; Baldez, 2001); the ministry lacks influence as its actions are subsumed under the MIDEPLAN (National Ministry of Cooperation and Planning) ministry and is only empowered to suggest projects to other departments/ministries,²⁴ and its ideological focus changes with each change of government. Additionally, Waylen argues that the ministry has been used by the government under influence of the Church and conservative sectors to 'impose its own aims on the women's issues policy agenda without any real change occurring in the power structures outside' (1996: 130). N. Molina noted the manner in which the opposition forces blocked an attempt to include a provision which would create a space for communicating with and listening to grassroots women's organisations, stating that 'politically, they didn't want SERNAM to have a direct relationship with women' (in Richards, 2004:48).

²³ Law 19.023 3rd January 1991.

²⁴ The logic behind SERNAM's cross ministry capacity was based on the idea that it would be better placed to coordinate the activities of other ministries and incorporate gendered policies into their work and in this way the ministry would not run the risk of being isolated.

Confronted with a return to politics as usual and the re-instated hegemony of political parties, those involved in the anti-dictatorship women's movement faced a dilemma concerning tactics within the new system (Waylen, 1994, 2000; Craske, 2000; Nazarit, 2007). It is a challenge that reflects the conundrum within wider feminist theory; that of integration into existing institutions, thus risking co-option, or autonomy, thus risking isolation from influence. As the women's movement gradually demobilised with their goal achieved and the return to democratic rule underway, the movement underwent a process of professionalization with several of the principal actors moving towards the establishment of Non-Governmental Organisations in what Alvarez terms the 'NGO-isation' of the movement' (1999). However, this process isolated women from popular sectors and led to the creation of a more elite movement of academics and professionals and in turn created an atmosphere of distrust between the *pobladoras* and the *políticas* (Matear, 1997; Valenzuela, 1998). Craske argues that the trend towards NGOs acting as the sole representatives of women's interests created a situation in which they became 'proxies' for other actors whose voices were (and still are) drowned out. As such 'these new linkages with the state are increasing the influence of institutionalised women activists and marginalising those who choose not to work with the state (or whom the state ignores) or are very localised, grassroots organisations. This has resulted in a growing gap between the high profile, professionalised groups and the others since the state tends to identify key actors, which are, by definition, high profile' (Craske, 2000: 6). This, in turn, has led to an atmosphere of distrust between different sectors of the movement.

Some feminists such as Adriana Muñoz D'Albora and Fanny Pollarolo (termed *políticas*) believed the most effective way to ensure change and lasting influence would be to exit the autonomous movement in favour of inclusion in the political sphere of government and government institutions, such as SERNAM (Matear, 1997; Randall, 1982). Others, such as Adriana Gomez (termed *autónomas*) believed inclusion within the existing androcentric structures would not ensure the change they sought and thus favoured maintaining their autonomy from such structures.²⁵ Others still favoured a double militancy approach, working with both the newly elected government and autonomous organisations. Valdés and Frohmann argue that those who favoured a double militancy approach found it difficult to maintain and develop their political legitimacy, placing them in a catch 22 situation, whereby 'without the support of the women's movement, their leadership positions were almost impossible to maintain; however, if they

²⁵ This assertion is based on interviews carried out by the author. Such divergent opinions created a fall-out between the two distinct camps and have led to lasting tension, manifesting itself in a lack of unity and co-operation around key issues.

sought the movement's support, their party loyalty was seriously questioned' (1995: 16). Waylen argues that with regards to this dilemma 'no definitive answer has emerged' (1994: 340); however, both Waylen (1994) and Constable and Valenzuela (1993) believe that those who remained autonomous have had far less influence over both the terms of transition and over the content of subsequent democratic agendas. These analyses depend on how we decide to measure influence and from whose perspective we do so. Additionally, it is important in any analysis of impact/influence to assess the other principal actors and their level of influence to understand the limitations of the potential impact of the women's movement. The following chapter will explore further the result of these divergent actions and the subsequent state of the movement today.

Many commentators have argued that the particular case of Chile's transition to democracy can be described as an 'unfinished transition' (Aguero, 2003: Franceschet, 2005: Rios Tobar, 2002). The reasons for this include the persistence of authoritarian enclaves (9 designated senators, continued military control), the continued use of the 1980 Constitution, the nature of the electoral system, and the lack of gender quotas. M. E. Valenzuela argues that the political dynamics of the transition 'encouraged the resurgence of an elitist, male-oriented establishment' (1998: 47). At the start of the 1990s women constituted a mere 5% of the parliament in Chile and in 1993 the only woman in the cabinet was the director of SERNAM. In addition, only 3 out of 27 ministers were women. Despite the limited number of women represented by the left wing parties and the clear reluctance to rectify this, the parties appealed to women for support on the basis that they supported the advancement of women's rights. Having created SERNAM, it was unnecessary for the government to deal with female representation within political parties as they had already 'dealt' with the woman question.

Additionally, the role of the Catholic Church in opposing the dictatorship and its framing of such opposition in the language of human rights has secured its immense and lasting influence, which it translated into increased moral leverage in decision making in the democratic government. Despite the Church's opposition to the dictatorship that was widely supported by the conservative Right and conservative factions within society, it was later able to become a strong political ally of the Right under democracy. As Haas notes, 'ironically, with regard to much of the current social agenda in Chile, the Catholic Church locates its main support among those political elements that were most supportive of the dictatorship and are most ambivalent about the virtues of the democratic process' (Haas, 2004: 43). In order to understand how this occurred, it is

necessary to trace the actions of the Vatican in the 1970s. During the 1950s-1960s, elements of the Catholic Church in South America promoted so called 'liberation theology', which argued that the teachings of Jesus Christ could and should be seen as a response to the unjust economic inequality and suffering of the poor, it critiqued hierarchy and structural inequalities as damaging to the poor. An influential book by Gustavo Gutiérrez entitled 'a theology of liberation' (1971) made this theology increasingly well known. However, due to its critique of the hierarchies within the Catholic Church in South America and its focus on unjust institutions, critics dismissed the theology as Marxist. As Betances notes,

'the election of John Paul II (1978) to the papacy strengthened the traditional clergy in Latin America. John Paul II represented a conservative shift in the church compared to his predecessors, who had advocated the implementation of Vatican II.²⁶ The new pope believed that it was necessary to strengthen Church authority, unity, and religious conformity. In Latin America, the most visible aspect of this shift was the appointment of new bishops and the pope's reaction to liberation theology. Bishops who identified with liberation theology such as ...Archbishop Raul Silva Henríquez of Santiago, Chile, were, in time, replaced with conservative clergy' (2007: 55).

In this way, the Vatican under John Paul II was able to remove many of the socially and politically progressive elements from the Catholic Church and put in place a more orthodox and politically conservative hierarchy. This politically and socially conservative hierarchy would later serve as an ally to the newly elected democratic government. This was further possible as the Catholic Church has continuously maintained a conservative position on issues considered 'moral' in nature, issues such as: divorce, gay rights, and abortion for example. As Blofield and Haas highlight, 'the Church's arguments in defence of its traditional perspective on the family, women, and sexuality have over time come to echo much of the Right's logic on these issues. The discourse of both the Church and the Right emphasises the destabilisation of society and the moral chaos that ensues if traditional norms of sexual behaviour or gender roles are liberalised' (2005: 43). In the newly established democratic system, the Church and the Right appeared to be natural allies. The Church spoke out against the widespread human rights violations under the military rule and helped to protect the opposition politicians who now account for a substantial number of Concertación officials and Right wing opposition parties members, thereby creating a vast array of influence across those in and out of political power. This powerful twofold influence in the political arena has manifested itself with regard to women's rights debates as a staunch ally of

²⁶ It was at the Second Vatican Council (1962-1965) that the Church argued to move towards incorporating Liberation Theology into its work.

conservatism and a key obstacle to women's equality in areas such as reproductive rights and divorce.

Denise Walsh highlights that gender scholars 'have found that democratisation is rarely associated with advances in women's rights' and a major factor in shaping this is the quality of democracy in the public sphere institutions (2012: 1323). With regards to reproductive rights, this is arguably true in the Chilean democratisation process and the progress made in the field of SRH has in fact 'fallen short of the expectations of Chilean feminists' (Haas, 2010: 3). Indeed, Franceschet terms this form of democracy 'thin democracy' (2005: 2), due to the fact that women have been left largely outside of the process and their demands denied. The reason for women's political marginalisation, she argues, is the result of Chile's gendered patterns of citizenship which shapes the rights of those considered to be members of the political community. Clearly, the transition to democracy did not secure the expansion of citizenship hoped for by the Chilean women's movement. The legacy of the dictatorship and transition to democracy has greatly shaped the limits and opportunities for feminist policymaking (Walsh, 2012; Haas, 2010; Rios Tobar, 2003; Waylen, 1996; Alvarez, 1998). The democratic project has failed to deliver on the demands made by women and, as Natacha Molina notes, 'female sexuality continues to be exclusively linked to marriage and procreation. In addition, women continue to be strongly under-represented in politics and decision-making' (1998: 128). The economic inequalities that deepened during the Pinochet years were not dealt with by the newly elected democratic government, and in fact these policies were supported and continued by the new government, leading to an increasingly unequal society. This gap between elite and poorer sectors of society has been replicated throughout politics (and NGOs) creating an atmosphere of distrust of formal politics and political representatives. Vast economic inequality and the elite nature of politics present further obstacles for feminist policymaking that I will assess in the following chapters.

3.6 The Return to Democracy and Policy Legacies in the Health Sector

Policy legacies in the health sector from the 1930s through to the Allende, Pinochet and post-dictatorship periods have acted as major obstacles to gender sensitive reform and have ensured that the health sector remains a highly gendered institution. After the return to democracy in 1990, several attempts were made to reform the health sector under the Presidencies of Ricardo Lagos (2000-2006) and Michelle Bachelet (in her capacities as both Minister for Health from 2000-2002 under President Lagos and under her own Presidential administration in both 2006-2010,

and more recently from 2014). Reform to the health sector began under President Lagos during Bachelet's term as Minister for Health, wherein reform sought to address the inequalities within the administration and design of the system.

The Chilean healthcare system is a two-tier system in which citizens are either covered by public (FONASA) or private (ISAPRES) insurance. All employed workers must pay 7% of their income to health insurance; however, the level of healthcare that one can access is dependent on the amount of payments made and the income level of each citizen. Historically, the private sector (ISAPRES) has been allowed to set different prices (according to different insurance plans) for men, women, disabled, and older patients. In 2005 Bachelet introduced the *Ley Larga de Isapres*, which intended to remove the differential pricing plans based on age, gender, etc. In 2010 the Constitutional Tribunal (ruling 1710) declared risk determination based on sex and age to be unconstitutional (Cooperativa.cl, 27/07/2010). However, despite a change to this formal institutional practice, informal norms persisted as Gideon and Alvarez highlight,

‘even after the ruling of the Constitutional Tribunal in 2010 ISAPRES continued to be prosecuted for selling women plans which excluded services relating to pregnancy and birth (the controversial “*planes sin utero*”) after the change in law, suggesting that the practice had not completely ceased and that informal institutional practices continued to operate’ (Gideon and Alvarez, 2016: 16).

The private sector is governed not by concern for equality but by concern for profit (Ewig and Kay, 2011). This has ensured the economic and political strength of the ISAPRES companies when faced with challenges to the design and administration of their services (e.g. gender equity policies or challenges to the neo-liberal design). The private health sector's primary concern is financial; this is exacerbated by the nature of decision making, which is dominated by economists and technocrats. As a result, the male perspective is favoured when considering technical concerns of finance and practicality, as Chappell notes: ‘institutions frequently favour male norms’ (2010). For example, two proposed and rejected reforms (namely the maternity solidarity fund that would provide financial assistance during maternity leave and reforms to the financing of the system) that sought to address gender and economic inequalities highlight the inherently gendered structural issues within the healthcare system. Another such example of the power of private institutions in interpreting and applying the law is the response to the recent project to legalise therapeutic abortion introduced by Bachelet in 2015. When Bachelet announced the new project, Rector Sanchez of the Catholic University (and associated network) stated that ‘if there are professionals in the Catholic University network who are prepared to carry out abortions, they

must find work in another place' (La Tercera, 01/02/2015). He emphasised that 'in our network, we will not carry out abortions,' clearly highlighting that regardless of any formal legal change, the moral position of the hospitals and clinics would supersede any policy change. A further example of this disregard for gender sensitive legal change is the adherence to the Ministry of Health issued guidelines for the humane treatment of women who undergo abortions (instruction no. 1675), which made it illegal for medical staff to refuse women treatment if they suspected them of having induced an abortion. As Gideon and Alvarez highlight,

'in an interview, public health officials stated that even when the rights of women are protected by laws and internal protocols such as *Instructivo No. 1675*, medical professionals have their own informal mechanisms to mark the woman's official register, and that at the end of the day the medic will decide if he or she will denounce the woman to the police. This again highlights the potential of informal institutions to challenge initiatives aimed at improving gender equality and justice' (2016: 20).

It is argued by FI theorists (Waylen and Staab, 2014) that change can occur in two forms: endogenous (coming from within), which could be in the form of conversion, or exogenous (coming from outside), for example from activists attempting to challenge the gender ideology that shapes the abortion debate. The first government headed by Bachelet (2006-2010) used the tactic of conversion as a way to achieve gender positive reform whilst working within the relatively restrictive confines of the Chilean political system. However, the question many asked of the first Bachelet government was why we did not see the change we expected under a "feminist" president (Olea et al, 2010). A FI analysis is useful here as it asks us go beyond individual actors and look also at structural factors.

Despite a number of existing 'pro-gender' policies, Bachelet sought to reform the health sector as the gender inequalities and social norms that had shaped the health sector persisted. One of the major reforms proposed was the introduction of Plan Auge (Acceso Universal de Garantías Explícitas) that would ensure universal access to free healthcare for a list of specific diseases and in which both public and private healthcare systems would have the same entitlements and a re-organisation of the public/private sector responsibilities (through law 20.015). The Plan Auge initially included 25 priority diseases in 2002, which has since grown to 40 in 2006, 56 in 2007, and 80 in 2010 (Gideon & Alvarez, 2016: 9). In addition to the introduction of (and subsequent reforms to) Plan Auge, an example that informatively illustrates the structure v agency problematic is the legalisation of the distribution of emergency contraception. During her first mandate, Bachelet introduced the free distribution of emergency contraception in all public health facilities by

presidential decree (a form of conversion), which intended to address the stringent laws regarding reproductive healthcare and the economic inequalities many women faced in accessing care and contraception. This provoked a conservative backlash and a case was brought to the Constitutional Tribunal arguing that such a decree was unconstitutional. Four years later, Bachelet was able to pass Law 20.418 to ensure that the distribution of EC was mandatory in all public health facilities. However (as explored in greater depth in Chapter 4), many obstacles to accessing EC in public health facilities remain as a result of the persisting social norms regarding gender and reproduction.

The case of the battle to legalise the distribution of EC highlights why a FI analysis of both formal and informal structures is crucial and warns against a narrowly focused assessment of formal obstacles. Bachelet applied the use of urgency and presidential decree to the project to distribute EC and this was a central factor in its approval. The formal political battle to legalise the distribution of EC provides an example of the successful application of strong executive powers, such as urgency and presidential decree. However, whilst these powers ensured that the bill was eventually passed in congress and senate, the informal institutions that shape attitudes towards gender roles and sexual and reproductive rights in Chile created obstacles of their own (the refusal of mayors to stock the drug). As Deputy Carolina Goic argues, 'what legislation does is move a discussion forward, trying to reinforce a certain standard. But it can take a while for law to really have an effect, if it has one at all' (in Stevenson, 2012: 136). In chapter 4 I will analyse in greater detail how the persistence of gender norms has acted as an obstacle to the application of this law and its implications for the wider reproductive rights and abortion debate.

In addition to the failed attempts to address inequality via formal institutional means (legal reforms), the gendered division of labour both within the health profession and within society continues to delineate specific roles to men and women, thereby perpetuating the idea that women's healthcare is linked to their caring capacity and is therefore of secondary priority. As seen earlier in this chapter, women's healthcare has long been the subject of state intervention; on the basis of Malthusian population reduction policies, and both the Allende and Pinochet government's pro-natal policies (Allendes Carvallo, 2012; Valenzuela, 1991). Women's bodies have been subject to healthcare policies that have failed to treat them as individuals with decision making capacities; such policies reflect gender roles and responsibilities in society. Connell argues that we ought to understand this co-constitutive process as part of a larger gender regime: 'gender is the active social process that brings reproductive bodies into history, generating health

consequences not as a side-effect but in the making of gender itself' (2012: 1). Connell's notion of gender regimes is useful in explaining how different formal and informal institutions produce intersecting, and potentially conflicting, discourses and norms around gender roles. These sometimes overlapping institutions in society that produce distinctive and intersecting norms, when taken as a whole, can still constitute a gender ideology. For example, the Chilean state has championed legislation such as the rights of the foetus and freedom from gender based violence, yet it maintains a regulatory gender ideology within which women's healthcare is of secondary importance. In this sense, we can understand how certain formal institutions (such as the health sector) have not only produced gender norms and contributed to the gender order, but how they too have absorbed and deployed the rights discourse (utilising different interpretations of the discourse and prioritising certain individuals rights). Therefore, reforms such as those to Plan Auge and the mandatory distribution of EC can exist alongside the statement of those such as Rector Sanchez who maintain highly gendered attitudes and practices. The reforms of the health sector can be understood within this framework and help to explain why despite certain gender positive changes; the legalisation of abortion remains seemingly untenable.

Having considered the policy legacies and the institutional obstacles that have impeded gender sensitive reform, we can better understand the obstacles to reform of both the laws regarding abortion and the informal practices that govern the healthcare system and service provision to women. Examples of this include: the treatment of women's needs as secondary, the favouring of foetal rights/children's healthcare, and the differential costs to women under the ISAPRES and how this impedes their access to affordable healthcare, which historically has not been analysed from a critical gender perspective due to the dominance in the design and administration of the health sector by male technocrats and economists who privilege 'rational and financial' concerns over gender equity.

Considering the policy legacies of the 1930s onwards, and the Allende and Pinochet periods of rule in addition to the democratic period, we can see how the institutions which govern healthcare have been historically constructed according to a gendered regime. Both the governments of Ricardo Lagos and Michelle Bachelet made significant gender sensitive reform to the healthcare system, such as the distribution of EC, the protocols of humane treatment, the Plan Auge and challenges to the ISAPRES system. However, the informal institutions that have shaped attitudes and institutional structures have remained largely unchanged; it is within this

context that we must understand the abortion debate from the return to democracy to the current day. As and Gideon & Alvarez argue,

‘gendered policy legacies had remained relatively unchallenged through earlier periods of health reform. As a consequence women have been denied access to key decision making processes – both within the policy arena and within the medical profession itself. At times this has resulted in women’s role becoming essentialised to that of reproduction and has often been manifest in poor treatment of many women as service users’ (2015: 22).

3.7 Conclusion

The purpose of this chapter has been to situate the historical, and subsequently inherited, limitations to feminist policymaking with regards to reproductive and sexual rights. As Ann Mearns emphasises, ‘any analysis of the relationship between social movements and the state needs to be located within the specific political and historical context’ (1991: 97). By exploring the ways in which different governments since 1931 have used reproductive rights policies to shape (and limit) women’s position in society and enforce the roles which it deems appropriate for them, we can see how reproductive rights have been manipulated by the state to further its own agenda at the expense of empowering women as rights bearers. This supports the feminist theory of cultural relativity insofar as the changing policies of various governments throughout the 20th century in relation to SRH highlight that culture can indeed shift over time and space, views concerning SRH and gender norms are not absolute and immutable. Therefore, supposedly moral beliefs on abortion are relative rather than absolute, even in a country with a strong, conservative Catholic Church. Chile led the way in Latin America in the development of reproductive technology; however, the military dictatorship eventually oversaw an outright ban on abortion in 1989. In any discussion of reproductive rights in the current day, it is vital to understand the limitations that persist as a result of the nature of the transition from dictatorship to democracy.

The evolution and prevalence of the human rights discourse in Chilean politics and society must be seen in context of the dictatorship and transition to democracy; violations of human rights were state-sponsored, vicious and widespread, hence why this discourse has strong purchase in a society which has experienced such violations. Additionally, as a result of its role in defence of human rights during the dictatorship, the Catholic Church gained immense lasting influence in the world of politics and society, an influence it continues to exercise to this day, notably in issues concerning reproductive rights and issues it considers to be ‘moral’ matters within its remit. Further, to ensure a peaceful transition, the incoming coalition government negotiated with the

military junta, which sought to retain power by securing its interests, agreeing to leave in place the 1980 Constitution, which ensured the continued existence of the binomial election system famous for its over-representation of the right. Also, the existence of 9 designated senators ensured the presence of 'authoritarian enclaves' in the newly elected democratic government, who were able to act as an obstacle to progressive change. Unity and stability were favoured by the Concertación government; therefore politicians largely refused to address potentially divisive issues, such as women's reproductive rights and divorce.

Since its inception, the women's movement in Chile has developed in response to the changing contexts; notably, once politics as usual returned the women's movement was left outside of the political process and subsequently its influence and capacity declined. However, it is widely argued that the tide is indeed changing (Rios Tobar et al, 2003) and that the diverse women's movement(s) of today are responding in innovative ways to the challenges they face. The movement now faces a different challenge: how can it hope to shape and challenge the dominant discourse concerning reproductive rights as dominated and shaped by conservative politicians, health professionals and religious institutions? This chapter raises several important questions that are integral to and will be explored in detail in the case study chapters. In chapters 4 and 5 I will assess to what extent these historically inherited obstacles have affected the debate in the area of sexual and reproductive rights since 1990. In the following chapter (4) I assess the formal mechanisms used to enforce conservative opposition and solidify its dominant role in shaping informal institutional responses to SRH. In chapter 5 I analyse the ideology of conservative opposition to SRH and the ways in which this ideology obscures the precarious reality of women's experience of sexual and reproductive health.

Chapter 4 - The Formal Mechanisms of Ideology:
How the “Pro-Life” Movement Shapes the Debate

‘Hypocrisy abounds!’
(PPD Deputy Maria Antonieta Saa – Interview 23)

‘All those pro-lifers fill their mouths and gargle about the family and life forever’
(PPD Senator Ricardo Lagos Weber – Interview 37)²⁷

The dominance of conservative discourse within debates surrounding sexual and reproductive rights must be seen in light of the persisting obstacles to both feminist policymaking and activism at the formal (political) and informal (social) institutional levels. Focussing on both the informal and formal institutional mechanisms (and the interplay between them) used to ensure the dominance of conservative discourse, in this chapter I will examine the ways in which the “pro-life” sector effectively obscures feminist discourse and how this is subsequently reflected in the language of the political projects proposed by both anti and ‘pro-choice’ politicians (analysed in chapter 6). In order to understand why the mechanisms of conservative power have been effective in keeping sexual and reproductive rights off the political and social agenda, it is important to assess the state of the feminist ‘pro-choice’ movement and its inability thus far to effect change, both in attitudes and in policy, lending weight to the argument that reform of the informal institutions is an important element of shaping responses to SRH.

The political and social weight of the human rights discourse in Chilean politics and society must be seen in context of the dictatorship and the transition to democracy, as the nature of the transition to democracy left a legacy of obstacles to the incoming government, obstacles which arguably persist. The incoming government negotiated with the military junta (which sought to retain right-wing influence), agreeing to retain the 1980 Constitution that ensured the continued existence of the binomial election system, which would prove itself a persistent obstacle to feminist policymaking (and Left-wing policy proposals in general). As analysed in chapter 3, the nature of the electoral system inherited by the democratic government during the transition acted as a barrier to feminist policymaking as the binomial system forced parties to form coalitions which required consensus despite often divergent views (Macaulay, 2006; Haas, 2010). Further, the existence of 9 designated (unelected) senators ensured the presence of ‘authoritarian enclaves’ in the subsequent democratic governments, further cementing the over-representation of Right-wing interests. So too must the continued influence of the Catholic

²⁷ To clarify this statement as it is a literal translation from Spanish to English, the significance is that the pro-family and pro-life discourse of the conservatives is hot air; a façade that is often contradicted in ways.

Church in matters framed as ‘moral’ issues be considered in this context; this influence is further cemented by the “pro-life” sector’s application of a similar discourse. However, some sections of the “pro-life” sector attempt to distance themselves from a discourse which has an explicitly religious justification, in order that their argument is seen as objective, rather than religiously motivated.²⁸

Blofield and Haas (2005) argue that the political right in Chile is powerful and highly organised and can mobilise in opposition to policies that threaten to undermine class privileges and Catholic teaching. They argue that the “pro-life” sectors have strengthened not only politically but also structurally; with the privatisation of formerly state owned organisations (health care programs and education), the institutional power now resides in the hands of a small conservative elite. As Blofield states,

‘the high concentration of wealth in the hands of the elite in Chile has enabled them to dominate access to resources during the democratic era, most importantly, to the media and campaign financing, and to give potential donations to civil society organisations and to private education. This elite also forms the core constituency of the political right in Congress’ (2006: 95).

The strengthening of the political right within both formal and informal institutions and the role this has on shaping the agenda can be understood in light of Feminist Institutional theory, which argues that different institutions interact and cement one another. We can see this in the examples explored in this chapter, which in turn raises the importance of analyses that look beyond formal political responses. Additionally, this is an explanatory factor behind the struggle to bring issues such as abortion and emergency contraception into public and political debate and the inability to pass progressive legislation in these areas despite (varying levels of) public support for them. Gaining political support for a bill depends on ‘the extent to which the bill’s characterization of women complements or contradicts Catholic teaching on women, sexuality, and the family’ (Blofield and Haas, 2005: 49) and therefore undermines the interests of the conservative insider interest groups. Rios Tobar, Catalan and Caviedes argue that

‘the secular and progressive sectors have not been able to build an anti-hegemonic block capable of legitimating different values and world visions and to put forth an agenda that extends individual freedoms and a new generation of rights. In this way, conservative hegemony imposes the parameters for public debate and, at the same time, questions and delegitimises any attempts to advance alternative culture projects’ (2003: 11).

²⁸ This can be further understood in light of the recent scandals that have affected the Catholic Church’s reputation. See the cases of Father John O’Reilly and Marcial Maciel.

Through an analysis of the mechanisms that the “pro-life” factor uses to impose its discourse in both formal and informal institutions, I seek to highlight a potential area for advocating for the legalisation of abortion and the application of a framework of sexual and reproductive rights.

4.1 Formal Institutional Obstacles

4.1.1 Conflicting Discourses – Political Parties and Interest Groups

In order to analyse the ideology of the “pro-life” sector and the spaces for contestation within the formal political realm, it is necessary to contextualise the dominant Right wing discourse within the wider debate. I will also outline the Left wing (‘pro-choice’) and centre positions and their key arguments around gender, reproduction and human rights.

4.1.2 The Feminist ‘Pro-Choice’ Position

‘Woman is not synonymous for mother’ (CUDS – Interview 44)

The left-wing discourse is widely based on (women’s) human rights. The interpretation of sexual and reproductive rights is based on the 1994 Cairo Declaration, which guarantees:

‘... the basic right of all couples and individuals to decide freely and responsibly the number, spacing and timing of their children, and to have the information and means to do so, and the right to attain the highest standard of reproductive and sexual health. [Reproductive rights] also includes [couples and individuals’] right to make decisions concerning reproduction free of discrimination, coercion and violence, as expressed in human rights documents.’

Within this framework, feminists seek to challenge the conservative imposition of traditional gender roles and responsibilities surrounding motherhood and women’s wider position in society, politics and the economy. The central focus is women’s ‘right to choose’; bodily autonomy is seen as a critical individual human right. Alongside the right to choose are parallel (and equally important contextual) rights: the right to privacy, the right to decide if, when, and how many children to have, the right to physical and mental healthcare etc. In contrast to the ‘pro-choice’ argument of feminists, attempts to decriminalise abortion have been successfully labelled as ‘pro-abortion’ by conservatives (another successful strategic framing technique of the right-wing). The Left also rejects the criminalisation of women who abort and highlights the dual strategy of the

right-wing sectors that oppose sexual education and Emergency Contraception (EC), yet promote criminal sanctions against women who abort (women who may never have had sexual education in schools or the resources to purchase EC). Further, the feminist discourse centres on a critique of the role of the state in forcing women to carry unwanted pregnancies to term. Additionally, ('pro-choice') interviewees and academic commentators alike all note the economic inequalities inherent in access to both clandestine abortion and methods of contraception (Shepard, 2000; Shepard and Casas, 1997).

Some Left wing politicians and feminist activists base their support of abortion upon reducing rates of maternal mortality. They demand free, safe, and legal abortion with the by-line 'contraception in order not to abort, abortion in order not to die.'²⁹ However, this position has been criticised by the Right wing sectors due to the low rates of maternal mortality in Chile (with one of the lowest rates in the region);³⁰ critics may view this stance as undermining the Left wing argument. Additionally, although the majority of those interviewed agreed on the legitimacy of the 'pro-choice' argument, there exists a division among feminists and left-wing politicians over strategy; some favour ceding ideological ground and agitating for therapeutic abortion in a step-by-step manner whilst others refuse to negotiate and demand safe, free and legal access to abortion services provided by the state. These divisions create disunity within the movement and discourse; some within the movement argue that this undermines the overall strength of the feminist opposition.

There are different stances in terms of both ontology and strategy within both the activist movement and the political parties. Lidia Casas Becerra argues that within the feminist movement there is 'strong disagreement about where and how you intervene in the political process, [i.e.] the strategy' (interview 9), and this has arguably plagued the women's movement in Chile since the transition to democracy. We can see this in the varying strategies of different feminist organisations such as MILES Chile and CUDS (two of the organisations interviewed as part of this research and discussed in greater detail in Chapter 7). MILES Chile pursues a step-by-step strategy, forging alliances and working closely with Left wing politicians (such as Maria Antonieta Saa and Adriana Muñoz D'Albora). Their ontological position is, at least outwardly, different to those of more radical groups as they seek only to reinstate therapeutic abortion in 3 situations (rape, foetal inviability, and danger to the woman's life). Alternatively CUDS Chile and Linea

²⁹ This was explained by Angela Erpel Jara of Linea Aborto Chile – Interview 33

³⁰ Chile and Uruguay are the 2 countries in Latin America with the lowest maternal mortality rate – For a full study of the region see CEPAL Study (2013) and also the World Health Organisation study (WHO, 2014).

Aborto Chile pursue radical strategies in their demand for free, legal abortion. However, as they do not focus their activism within the traditional political realm (lobbying), they do not engage in debates concerning time limitations, financing of procedures etc. it is therefore difficult to pin point their exact political demands; their position is more nuanced and epistemological in its struggle for a reconceptualization of gender and reproduction.

Among the political parties of the Left both strategy and ontology are also mixed. The Party for Democracy (PPD) is formed on the principles that,

‘the PPD is a party of the Left, it is democratic, progressive and equal...it is centred on the principles of solidarity, cooperation, diversity, responsibility, fraternity and participation. [It is a party that] promotes and defends human rights in all of their forms, especially the rights of workers, children, the indigenous, and women’ (PPD Manifesto, 2012).

As mentioned, Deputies Maria Antonieta Saa and Adriana Muñoz D’Albora of the PPD vocally support (and have authored) political projects to legalise therapeutic abortion; they currently support a project proposed by Miles Chile to reinstate therapeutic abortion in 3 circumstances (project 1230-362, 31/01/2015). However, politicians from the same party, such as Guido Girardi Lavin and Ricardo Lagos Weber have authored several projects that seek to legalise abortion in all circumstances (for ‘socio-economic’ causes), in addition to recently elected (2014) Deputies from the Communist parties such as Karol Cariola and Camilla Vallejo who vocally support legal abortion, which are discussed in greater depth in chapter 6. This highlights that within the same political party, there exist areas of contestation and spaces for fluidity of opinion. However, it is important to be aware that several politicians are vocal supporters of the legalisation of abortion yet at the same time maintain sexist attitudes and practices (interview 23). By simply looking at projects politicians have authored or supported this is slightly more difficult to see as they have supported liberal bills; however, Saa argues that the informal institutional practices are still highly gendered. For this reason Connell’s theory of gender regimes is useful in explaining how seemingly contradictory practices can exist alongside each other (2012).

In order to see how the regulatory conservative gender ideology pervades all levels of society and thus creates divisions amongst women, we must assess how gender plays out in the highest level of political office. We can clearly see that even in formal institutional structures, gender equality does not exist. The informal institutional norms that define women’s lives also extend to most formal institutions. In July 2012, a 2 day workshop was held in the Congress Library in Valparaiso headed by the then PPD Deputy Maria Antonieta Saa (which I attended at the invitation of Deputy

Saa). The workshop was entitled 'Parliaments Sensitive to Gender: A National Workshop of Evaluation of the Chamber of Deputies in Chile' and addressed such issues as obstacles to women entering politics, the lack of gender quotas, and incorporating gender into legislation. In a presentation given by Alejandra Sepulveda (the executive director of Comunidad Mujer), it was noted that Chile ranks poorly in global measurements of gender gaps in politics. This position was expounded with specific statistics of women in positions of political power in Chile: there were 18% women in the executive, 13.9% in the legislature, 22% at local level, and only 2.7% of foreign ambassadors were women. The lack of male presence at the workshop was notable; only 1 male politician (Senator Letelier of the Socialist party) attended, he stayed only for the inaugural speech, and there were no male politicians involved over the course of 2 days in discussing how to make the Chilean parliament more gender friendly, despite over 30 female politicians attending, some of whom were from other Latin American countries. This would suggest that gender equity is not of primary interest for male politicians. Women may not be a universal homogenous category, but it is still clear that interest in women's rights comes almost exclusively from women. The workshop addressed the obstacles to female participation in politics, both in terms of initial entry and in practical day-to-day political work. It was noted that there exists a variety of obstacles such as long hours, work carried out outside of working hours which women are less likely to be able to undertake due to family responsibilities, lack of childcare, the huge financial cost to run political campaigns (which often women lack and male run businesses are unwilling to lend money towards)³¹, and macho behaviour (such as jokes and vicious political attacks).

4.1.3 The Political Centre

The main argument of the centre (mainly centre leaning politicians) is couched in pragmatic terms with some viewing therapeutic abortion as a necessary evil in certain drastic cases, whilst others disagree with the criminalisation of women but continue to support the illegality of the practice. Many centre leaning politicians, whilst opposing abortion, argue in favour (at least theoretically) of improved sexual education in schools and wider use of contraceptive methods to reduce unwanted pregnancy rates and teen pregnancy. It can be argued that many of the centre leaning

³¹ This was also discussed in an article about gender quotas and the financial barriers female politicians face - La Tercera (06/08/2014)

politicians are evasive of the abortion question as it is a divisive issue and thus not politically worth the risk.³²

Indeed, in several of the party manifestos of those within the Concertación, and most notably that of the Christian Democrats (who made up the majority of the Concertación), there exists a strict anti-abortion mandate explicitly based on the teachings of the Catholic Church, stating that ‘abortion is an attempt against the right to life of another. Regarding therapeutic abortion, we postulate that legislation is unnecessary’ (Party Manifesto of PDC).

4.1.4 The Conservative “Pro-Life” Sector

*‘Abortion is a crime against human rights’
Jorge Reyes (Proyecto Esperanza – Interview 13)*

The morality of Chilean society is based on outwardly appearing conservative values despite widespread cultural practice to the contrary. Promoted examples of this idealised traditional society within conservative discourse include: sex within marriage, the nuclear family as the basis of societal organisation,³³ heterosexuality, and traditional binary gender roles. In keeping with this veneer of conservatism, the Right-wing discourse on abortion is centred on 3 key areas: traditional gender roles, foetal rights, and the pro-nuclear family.³⁴ The political parties which are closest to this Conservative ideology are the Independent Democratic Union (UDI) and National Renovation (RN). The UDI party argues in its party manifesto that ‘there exists an objective moral order’ (1991) that is written into human nature. The manifesto of the RN states that ‘we consider that life and human dignity deserve full respect, from conception to natural death’ (2014).

The traditional gender roles that are enforced through discourse and law frame maternity as women’s natural role in life and thereby place upon women the expectation of pregnancy and childcare. Abortion therefore is seen as the ultimate rejection of a woman’s essential role. In this sense, maternity is not viewed as a choice for women, but an expectation. Indeed, maternity can

³² We can see this by analysing the lack of centre politicians who have authored projects regarding abortion and sexual education for example. This will be highlighted on a project-by-project basis in chapter 6 as I outline the authors and content of each project.

³³ Divorce was illegal until 2004 - until this point divorce was widely practiced in an informal system of annulments that could be obtained by committing perjury before a civil registrar. Divorce ‘a la Chilena’ (Chilean style) was an example of a widely committed cultural practice, which stood in stark contrast to the conservative anti-divorce veneer.

³⁴ Arguably, one could also suggest that the protection of the nation state is a key reason. The protection of the nation state during the Allende and Pinochet years was explicit and expressed through official discourse. However, this stance is now less explicit in the language used by conservatives and far more implicit as the basis of anti-abortion/pro-family arguments.

sometimes demand the ultimate sacrifice, as highlighted by the illegality of therapeutic abortion when the life of the woman is at risk. This perspective of maternity as sacrifice is in keeping with Jaime Guzman's statement in 1974, which reasoned that the mother should have her child at all costs, even if it would cause her death (Guzman, 1974: 14). Additionally, abortion is viewed as a rejection of the nuclear family, the very basis of Chilean society, which as we shall see is contradictory to the reality of households across the country. It is further argued that the rejection of maternity, and thus the family, threatens the very nation itself. The UDI party manifesto states that 'the legalisation of abortion is a symptom of a new expression of Gramscian Marxism, which today threatens the more developed countries of the West' (1991). The party manifesto of UDI clearly outlines its visions for women in society stating that

'the Independent Democratic Union party values in a special manner the virtues and particular functions of women as bearer of life, nucleus of the family and the principal agents of the transmission of values and traditions. As a consequence of this, UDI will pledge to ensure that women can make compatible the activities that they carry out in society and in their own capacity - especially those related to maternity, the raising of children and the care of the family' (UDI Party Manifesto, 1991).

Therefore, the control of women's bodies to protect and serve the interests of the state (as discussed in chapter 3) is implicitly framed as the protection of traditional, Christian, and 'Chilean' values, which are compared against the 'west' as requiring defence.

Lastly, the conservative discourse has focussed its attention on the promotion of 'foetal rights' and the primacy of the 'right to life.' The right to life is placed above all others, thereby removing the wider context of human rights and displacing women's rights. This application of rights is hierarchical, with women's rights subsumed to the rights of the foetus. In this view, women are seen as vessels who 'lend' their bodies during pregnancy, thereby denying women agency in various stages of the reproduction process (Ena Von Baer in Cooperativa, 14/03/2012). In order to implement this conservative gender ideology and consequently shape the agenda of sexual and reproductive rights debates, the "pro-life" sector (interest groups, the media, priests etc.) construct, promote and disseminate an idealised, romantic view of Chilean society and the expected gender roles for women and men. Arguably, this is one of the key mechanisms of the successful framing of an ideology and is required in order to shape the content and parameters of the debate.

Despite official party positions, space does exist for contestation within parties of the Right (and Centre) and we must not analyse party practice simply by reference to each party's manifesto.

Contestation of the party line (in regard to women's reproductive rights) is less common within members of the UDI party and more common within politicians of the RN. In recent years, politicians of RN Senator Lily Pérez and deputy Karla Rubilar have publicly supported therapeutic abortion projects, along with Deputy Carolina Goic of the DC party, in addition to Evelyn Matthei of UDI who authored a project with Senator Fulvio Rossi (of the Socialist Party) to reinstate therapeutic abortion.

4.2 SERNAM: Friend or Foe?

Many of the younger feminist groups and organisations favour an autonomous approach due to their disillusion with the government, state institutions, and the influence that "pro-life" groups enjoy in these areas. One such state institution that fails to instil hope in those with a feminist agenda is the women's ministry. The Servicio Nacional de la Mujer (SERNAM) was established by Law 19.023 as part of the obligations of CEDAW on 3rd January 1991 with the stated goal of promoting equality between men and women. However, the conservative nature of SERNAM has been highlighted as an obstacle to the achievement of feminist objectives (Waylen 1996; Baldez, 2001). One of the stated objectives of SERNAM is to increase women's access to the formal realm of politics, although the extent to which this can lead to gender equality is questionable when the law (in article 2) establishing this institution states that SERNAM will 'ensure equality of rights and opportunities for women...respecting the nature and particularities of women that derive from natural differences between the sexes, including adequate concern for family relations.'³⁵

SERNAM faced opposition from the outset from the conservative Right and the Catholic Church who 'claimed that the law [to establish SERNAM] would subvert the family' (cited in Waylen, 2000: 786). Sergio Bitar of the Christian Democrat party stated that

'what you have to avoid at the beginning of the transition is the accumulation of factors provoking polarisation...for us the fundamental task was the struggle to strengthen democracy...this generated a degree of national unity that was very important, including an important linkage to the Catholic church' (Quoted in Htun, 2003: 137).

³⁵ The original Spanish reads as follows: 'Artículo 2º- El Servicio Nacional de la Mujer es el organismo encargado de colaborar con el Ejecutivo en el estudio y proposición de planes generales y medidas conducentes a que la mujer goce de igualdad de derechos y oportunidades respecto del hombre, en el proceso de desarrollo político, social, económico y cultural del país, respetando la naturaleza y especificidad de la mujer que emana de la diversidad natural de los sexos, incluida su adecuada proyección a las relaciones de la familia.' See bibliography for Law 19.023 (03/01/1991).

SERNAM has been limited to an advisory capacity, is subject to a lack of funding and formal machinery to oversee other departments and has an unclear brief. As a result of this, the organisation has found it easier to concentrate on less divisive issues such as poverty alleviation and employment training.³⁶ In this sense, SERNAM falls victim to the same pitfalls as the CEDAW convention (1979) - a side-lined, under-funded body that is unable to pursue its own agenda (also partly due to its position subsumed under the Ministry of Cooperation and Planning MIDEPLAN) and is restricted in the extent to which it can achieve progressive change. By creating a separate organisation specifically established to deal with women's issues, the feminist agenda has been isolated by the government, a government which continues to support the Church's teachings on reproductive rights and channels its own policies through SERNAM.

The view is divided between those who see SERNAM as beneficial to women's demands and those who criticise the organisation for failing to tackle divisive issues (such as abortion, divorce and reproductive rights) and for having beheaded the feminist movement through state co-option. As Waylen underlines, SERNAM has been used by the government under influence of the Church to 'impose its own aims on the women's issues policy agenda without any real change occurring in the power structures outside' (1996: 130). Marta Godoy Carvajal of SERNAM highlights that the ministry is 'value based, it is a ministry that also must be understood as political and is very much linked to the projection of what you would like as a country, and to your image of men and women and this is absolutely linked to ideology...SERNAM is not at all radical, today less than ever' (interview 12). An example of SERNAM's ideological vision of the gendered roles of women can be clearly seen in its recent programme entitled 'women and maternity: committed to life,' which is a help-line intended to support women who find themselves in 'difficult situations with their pregnancies' and aims to help women 'recognise and to strengthen their resources, abilities and personal capacities...which will benefit her and her children and/or family' (SERNAM, Área Mujer y Maternidad). This programme has been described as a 'regression' (interview 12) for the ministry as it fails to focus on increasing education and the prevention of pregnancy through the use of contraceptives, and instead focuses on supporting (read: encouraging) women to carry their often unwanted pregnancies to term without providing any financial support.

³⁶ SERNAM has played an active role in creating and shaping gender positive legislation in less divisive areas such as: Law 19.010 (domestic workers), Law 19.617 (sexual assault), Law 19.611 (sex discrimination), Bill 1515/2202 (CEDAW violence against women), Law 19.519 (prohibition of pregnancy tests in employment, expansion of day care), Bill 1838 (CEDAW sex discrimination), Bill 2267 (CEDAW sex discrimination).

Progressive change has appeared somewhat unlikely in terms of sexual and reproductive rights as the minister³⁷ of SERNAM Carolina Schmidt was ‘absolutely right-wing’ (interview 33) and outwardly critical of feminism, as highlighted by Angela Erpel Jara of Linea Aborto Chile who notes that ‘when the minister arrived she was asked how SERNAM was different from before, to which she replied that this party (the current government) is not a nest of feminists, women do not want to be equal to men but different, women want to re-value the family’ (interview 33). Due to the ideologically charged nature of SERNAM and its failure since its inception to play any positive role in the abortion debate, many younger feminist activists and organisations feel disillusioned with the ministry and do not see SERNAM as playing any significant role in the abortion debate at present or in the future.³⁸

4.2.2 The Chilean Electoral System: How Does This Benefit the Conservative Sector?

The nature of the Chilean political system itself, with a binomial system which significantly over-represents the right wing (Blofield, 2006: 26),³⁹ the lack of gender quotas and transparency⁴⁰ in political decision making, in addition to the fact that many of the same faces are in power year after year with little change, has created an atmosphere of distrust and disapproval of party politics amongst Chilean society. The rates of disapproval of the government can be seen in the University of Diego Portales survey (UDP, 2012); in 2011, 26.7% approved of the government and in 2012, 25.5%. In 2012, only 4.4% of people said that they trust political parties, 7.8% trusted congress/parliament and 17.7% trusted the government, which has steadily fallen since 2008 from 27.4% to 17.7% (UDP, 2012: 18). As Angela Erpel Jara of Linea Aborto Chile highlights,

‘it is difficult to change politics, because they are always the same politicians. In April they rejected to even discuss the issue [of abortion]. It is so retrograde, and so we see that change does not come from there [politics]. Furthermore, the politicians have no idea what is going on with the people, there is no connection...the same people are always elected, for 20 years we have had the same people. Young people don’t get involved in politics and those that do are conservatives’ (interview 33).⁴¹

³⁷ At the time of writing in 2013.

³⁸ This is also a view shared by many older activists and feminist organisations but it may go some way to explaining younger groups’/individuals’ total lack of will to engage with the ministry. However, at the time of editing the thesis in late 2014, SERNAM has announced that it will support and take charge on the government’s proposal to decriminalise therapeutic abortion (this will be explored in greater detail in Chapter 7).

³⁹ Also, in an interview by the author with Marta Godoy Carvajal of SERNAM (interview 12); she notes that the binominal system is ‘excluding...it leaves all of the dissident voices outside.’

⁴⁰ Maria Antonieta Saa describes the Right-wing as acting occultly (Interview 23).

⁴¹ A view also shared by Marta Godoy Carvajal of SERNAM (interview 12) who states that ‘the power is concentrated in a political class that has been repeated and repeated since the beginning of this country,

As Adriana Gomez argues 'Chile is not an intolerant or conservative country, it is that we are governed by an intolerant and conservative political class' (interview 8). For example, President Piñera made clear his view on the extent to which politics ought to be guided by morality in place of neutrality in matters such as abortion, stating 'we have values and principles, faced with which we cannot be neutral, because we believe that politics also should include the world of values and principles' (Emol, 31/03/2012).

Rios Tobar et al (2003) highlight the persistence of 'authoritarian enclaves' that act as an obstacle to feminist change. Such authoritarian enclaves make placing feminist issues on the agenda extremely difficult. So too does the existence of the 'parliamentarians for life,' which consists of 61 of the 120 deputies in the house of Congress, all of whom have signed a declaration in which they promise to 'reject any project of law which accepts any type of abortive practice' (Acción Mundial, Nov 2006). In his speech at the signing of the agreement, deputy Carlos Olivares (DC) stated that 'Saint Thomas Moro, the patron saint of governments and politicians tells us that man cannot separate God, politics or morality' (Acción Mundial, Nov 2006). Senator Francisco Chahuán Chahuán (of RN party, also a signatory to the agreement) when asked if his position regarding abortion was based on religious belief stated 'no, absolutely not...my position is progressive and liberal' (interview 25). The rejection of the link between personal religious beliefs and politics is a common thread amongst both politicians and many "pro-life" groups who do not want to be seen as basing their view on religion as this would leave them open to significantly easier criticism. Instead, many ground this view in appeals to human rights, notably those of the foetus.

4.3 Informal Institutional Obstacles

4.3.1 The Professional Hierarchy

A key informal institutional manifestation of the conservative perspective can be clearly seen in the treatment of women (often poor) at the hands of doctors and lawyers. Many doctors, lawyers, judges, and politicians (and other high ranking influential professions) are educated in religiously affiliated institutions with a clear religious mandate. For example, among the top Chilean universities are the Catholic University of Chile, the Catholic University of Valparaíso, and

they are the same people, the same families that have the economic power, that have the political power, that have the methods of communications and the rest of us are without a voice.'

the University of Los Andes (which is run by the Legionnaires of Christ).⁴² The conscientious objection of doctors and the openly prejudicial opinions of lawyers in abortion cases reflect additional ways in which the “pro-life” discourse is disseminated. The Minister of Health Jaime Mañalich declared himself against legislating on the topic of therapeutic abortion, arguing that ‘those who say that Chile needs a legislation on therapeutic abortion do so from a perspective of ignorance’ (La Tercera, 15/03/2013). However, ‘pro-choice’ advocates within the medical profession have pointed out that the lack of legislation lends itself to great ambiguity and leaves open room for the conscientious objection of medical staff in treating women they suspect of having undergone abortions (UDP, 2013: 102). Various studies attest to the negative and judgemental treatment of women in public health facilities. As one author (and mother of a child with Down syndrome) highlighted, ‘we all know that the decision is not a medical decision in the majority of cases, but a personal decision’ (Bío Bío Chile, 20/03/2012). Emily Anne of Linea Aborto highlights this point, ‘if they do go to hospital, women who don’t know their rights may be pressured to confess by hospital staff’ (RH Reality Check, 18/10/2012). Despite the Ministry of Health ‘Protocol concerning the Humane Treatment of Abortion (2009)’, many women continue to face hostile treatment from doctors and midwives alike (UDP, 2013: 102-103).

According to one interviewee in the UDP study (2013), when she informed her psychiatrist that she had undergone an abortion he replied that she had committed a crime and he could denounce her (UDP, 2013: 103). Another interviewee noted that ‘the doctor and midwife were being the most accusatory possible, so I was scared; it isn’t the view of the saviour doctor. It is so hard to find anyone without moral prejudices’ (UDP, 2013: 103). This prejudicial enforcement of personal views also extends to the conscientious objection of mayors and pharmacies that refuse to stock EC on grounds of personal moral objection, despite the illegality of their actions. In all of these cases, the women’s decision becomes interspersed with those of third actors; the private and personal decision over women’s bodies and lives is placed in the hands of doctors, midwives, lawyers, and mayors among others.

4.3.2 Social and Cultural Obstacles

It is widely agreed that the Catholic Church in Chile is a highly influential de facto power (which I have argued can be seen as both a formal and informal institution). This point was supported by all pro-choice interviewees who argued that both the Catholic Church and several of the

⁴² See the bibliography for full rankings list at - Rankings – Universidades de Chile (2013).

Evangelical Churches (excluding the Lutheran Church) have both formal and informal institutional influence on politics and society; in terms of the content and language of political projects, laws, and education. On the 18th September (Chile's celebration of independence and a 3 day national holiday) there is an annual mass entitled 'Te Deum', during which the highest authorities from the government (headed by the President) and the Churches attend a celebration mass and liturgy. During the mass, the Archbishop outlines the moral vision of Chilean society; it is intended to mark the beginning of a new government and to guide the moral basis of this incoming government. The Te Deum confirms the important role (and implicitly, the influence) of the Evangelical and Catholic Churches in Chilean society and politics, and places the churches as the figureheads of morality. This status has its roots in the role played by the Church in opposition to the dictatorship and the protection of human rights and thus explains in part its lasting influence in politics and society.

Many actors (and interviewees in this research) involved in the reproductive rights debate in Chile have singled out the Catholic Church as the biggest obstacle to the liberalisation of abortion law. Frances Hagopian argues that in Chile the Catholic Church has had to make careful and select decisions as to which particular elements of its doctrine to vocally support; traditionally the Church's position has been that of championing the rights of workers and economic equality, whilst maintaining a hard stance on so-called 'moral' issues. This has presented the Church with a difficult decision, as the political parties who support the Church's tough stance on 'moral' issues (such as UDI and RN) concurrently pursue and support aggressive neo-liberal policies, thereby contradicting the Church's position on economic and social equality. As the Church's central mission is to evangelise and promote Catholic social values, it has tended to emphasise its moral agenda within the political realm as it is within this subject area that it has been able to enjoy most influence (due to the support from conservative political parties in terms of moral issues). The Church enjoys what many describe as direct access to politicians, either through communication with politicians or due to the number of Catholic (and increasingly Evangelical) politicians. Fernando Chomali, archbishop of Concepcion explained to me that 'access to politicians is easy for me, I have access to them...I have been with senators and deputies, I wrote a book about therapeutic abortion which I gave to them' (interview 16). Father Jorge Grisales added that 'the [Catholic] Church has an important role in Chile. There are politicians who are Catholics and because they are Catholic they have as their mission to respect Christian rights' (interview 39). When I asked Father Grisales if there existed Catholic Universities and institutions where this influence manifested he stated that 'yes, this is where they form the conscience' (interview 39).

As Frances Hagopian argues, this influence has been largely maintained throughout the period of democracy due to the growing neo-liberalisation of Chile. She argues that

‘as state capacity to deliver social services shrinks with neo-liberal state reform, governments are turning to the Church to deliver those services through its network of charitable organisations. As the Church assumes this role, it will only become more important and influential in the implementation of public health and education programmes’ (2009: 7).

In addition to the established institutional power of the Catholic Church, the Evangelical Churches have been gaining increased popularity in many parts of Latin America (and Chile). Hagopian notes that ‘today Latin America stands at a crossroads between the decaying core of Roman Catholicism and its vibrant pockets of growth and hope, between a Catholic past and an uncertain future framed by religious and political pluralism’ (2009: 1). There are several different denominations of the organised Evangelical Church (e.g. Lutheran, Methodist, and Pentecostal) with an estimated 16.62% of all Chileans professing the Evangelical faith according to the 2012 census (INE, 2012). One of the notable differences between the Evangelical Churches and the Catholic Church is the diversity of opinion between different Evangelical Churches and within the theory and practice of individual denominations. For example, Pastor Jose Peña of Chile’s largest Pentecostal Cathedral in Santiago,⁴³ explained to me that there is a diversity of opinion within the Pentecostal Church,

‘The official position ... to see our ecclesial reality is quite complex, we are heirs of Protestantism, the evangelical churches have quite a bit of freedom among us, there is a sort of unlike the Catholic Church. Our church can comment on something and have differing views. When the agreement of married life among partners was discussed (a form of gay marriage), there was a sector of the Lutheran church that was in favor, while others were opposed. Our discourse on abortion points to an absolute rejection of abortion for theological, humanitarian, social, bioethical reasons etc. but we are aware that we must be flexible, i.e. it is not the same as a woman who has become pregnant by mere sexual neglect as a woman who has been raped, the situation requires a different approach.’

This suggests that there is space for contestation among individual denominations. Further still, there is a diversity of opinion between the more conservative evangelical Churches and the more liberal Churches, such as the Lutheran Church. The Lutheran Church accepts therapeutic abortion and rejects the criminalisation of women for carrying out an abortion.

⁴³ The Cathedral has its own website with information about its activities – see bibliography.

Pastor Jose Peña when asked if his Church had influence in the political arena, argued that,

‘I would say yes, yes we are definitely certain...our church for a long time was considered as a church of a second category, but due to our permanent growth we are being visited by authorities of the government, deputies, political parties, they are conscious that we are preoccupied with moral and social issues. There have been many occasions in which we have given our opinion, our voice. On occasion it has been very direct such as assisting the national Congress and we have had to go to Congress to present ourselves when there are issues which affect us and that are pertinent. For example, the issue of the morning after pill, the same with the issue of abortion, not long ago we were there about the issue of *el acuerdo de vida en pareja*,⁴⁴ and so we are present in these debates’ (interview 42).

Along with the direct influence of the Catholic and Evangelical churches in politics and the over-representation of conservative politicians in the Congress and Senate, there also exists a powerful and highly organised insider network of conservative organisations (and individuals) inspired by church doctrine who have consistently managed to influence the political agenda in line with their own interests, such as ISFEM, Chile Unido, Acción Familia, Fundación San Jose, Proyecto Esperanza to name only a few. These organisations enjoy financial support from economic elites and as such have ties to influential members of society. For example, the directors board of Chile Unido reads like a who’s who of Chilean economic elites: Director Heriberto Urzúa is a businessman and former director of one of Chile’s largest department stores La Polar, Martín Subercaseaux is a media tycoon and head of BBDO (one of Chile’s biggest advertising companies) and Salvador Said is Director of Endeavor Chile and of Said Holding Group. Additionally, the organisation has ties to El Mercurio (Chile’s oldest and most conservative newspaper), as Veronica Hoffman explained: ‘we have an alliance with El Mercurio, they support us by advertising our work and organising awards ceremonies, all of this support helps in order to advertise the results of our work to businesses’ (interview 15). Soledad Barria (Minister of Health under the Bachelet government) notes that there has been ‘an increase in the effective power of conservative people that has produced a cultural regression’ (interview 2). Anti-abortion groups such as Chile Unido and Acción Familia are active in both politics and society and enjoy direct access to politicians; Veronica Hoffman of Chile Unido states that ‘politicians are very close; one can have access to them’ (interview 15). Chile Unido were invited to La Moneda by President Piñera on 17th September 2012 (only months after the projects to decriminalise/liberalise abortion were

⁴⁴ The Acuerdo de Vida en Pareja is the proposal to allow certain rights to homosexual couples/unions – it is not a proposal to legalise gay marriage.

rejected in the Senate) to celebrate the President's commitment to 'protecting life and human dignity' (Chile Unido, 17/09/2012).

Another way in which the "pro-life" faction ensures the prevalence of their discourse is by way of conservative media control. As mentioned, media sources in Chile have a conservative bias, with the UNHCR describing their editorial positions as 'centre-right and right-wing' in orientation (UNHCR Freedom of the Press, 2012). The commercial press in Chile is dominated by two media magnates: the El Mercurio group and Copesa. The newspapers *El Mercurio*, *La Segunda*, *Las Ultimas Noticias* and 21 other regional newspapers are owned by media tycoon Augustin Edwards Eastman of the El Mercurio Group and *La Tercera*, *La Cuarta* and *La Hora* along with other regional newspapers are owned by Álvaro Saieh and Carlos Abumohor, resulting in what is described as a 'duopoly' of media in Chile (UNHCR Freedom of the Press, 2012). As noted by the UNHCR, these media groups are 'tied to financial and advertising interests, and control distribution channels throughout the country, creating high barriers to entry for new publications' (UNHCR Freedom of the Press, 2012). Indeed, Álvaro Saieh is also first vice chairman of Corp Banca S.A, one of Chile's largest private banks, and a real estate magnate, and the Edwards family (owners of the El Mercurio group) are one of the most politically and economically powerful families in Chile.

As a result of this elite control, in a survey conducted by the University of Diego Portales, it was noted that in 2012 only 28.2% of people trusted newspapers (UDP, 2012). This is due in large part to the fact that they are owned by a small elite of conservatives, which could suggest that there is room for alternative discourses and mediums of communication. Camila Maturana of Corporación Humanas highlights the negative impact this elite control has had on the sexual and reproductive rights debate, arguing that 'there has been a huge regression as a result of the alliance between the church and the mediums of communication, let's not forget that the media belongs to an economic and politically extremely conservative elite which has influenced how the debate has been framed' (interview 43). Angela of Línea Aborto argues that the methods of communication attempt to 'homogenise' reality and mould the way in which Chileans think. However, she highlights that in fact 'we have lots of realities which are invisibilised/hidden, poor women, and gay men for example' (interview 43). It is the visibilisation of these realities that groups such as Línea Aborto, Cuds, Huelga de Vientres and other autonomous groups are attempting to achieve in order to subvert the dominant *machista* discourse.

Soledad Diaz of ICIMER highlights, 'it is not only the politicians and Church, public opinion also has conservative elements and these groups must be sensitised [to feminist thinking/women's rights], I think this is what we learnt with the morning after pill debate, you have to achieve consensus within society. I think that all of society requires a process to incorporate new ideas' (interview 40). However, a significant obstacle to this change in societal attitudes is the strong shaping of conservative youths by those with resources. Deputy M. A. Saa (PPD) pointed to the formation of an elite conservative youth as highly problematic; 'these groups are carrying out a huge and aggressive labour...in the shaping/education of young people and professionals, there are so many Opus Dei and Legionaries of Christ universities, there is an elite of professionals and young people who are ultra conservative...of doctors and lawyers.'⁴⁵ For example, several "pro-life" organisations hold discussions and lectures in universities and schools to promote the conservative agenda, as Ismini of ISFEM informed me: 'we habitually put on debates about important issues. During the debate of the EC, another about homosexuality, surgical abortion, and now chemical abortion...we generate opinion this way' (interview 31). This is the principle aim of Idea País whose goal is the training of young minds through workshops on themes such as: man and woman; family and matrimony; happiness; to be human, to be dignified; the family; cultural leadership, amongst many others.⁴⁶ As Claudio Alvaro explained to me, 'we try to influence people, contact people, and widen networks' (interview 31).

By exploring how the "pro-life" sector ensures the dominance of its discourse, we are able to see the network of influence that pervades all levels of society. Citizen support for the decriminalisation of abortion is currently low (and the discussion is largely limited to therapeutic abortion as noted in the introduction to this thesis) which can be understood due to the influence of the Catholic and Evangelical churches in both politics and society, as exemplified by the examples given by Pastor Peña. Additionally, the work of "pro-life" interest groups that work in tandem with the conservative, elite owned media shape and limit the SRH debate as to occlude women's rights from the discussion. The role that these informal institutions play in controlling

⁴⁵ An example of this training of young academics and professionals from a strict Catholic perspective is an event held at the Catholic University on 31st May 2012 entitled 'Therapeutic abortion – problem or solution,' in which all four participants were loud critics of abortion in all its forms and provided no room for debate on the issue. The speakers were Alejandro Serani of Opus Dei university of Los Andes, Sebastian Illanes (vice-dean of the faculty of Medicine at Los Andes University), lawyer Álvaro Ferrer and Dr. Jorge Neira of the Catholic University. The anti-abortion group ISFEM also regularly hold discussions in universities 'principally of Catholic inspiration.' Also, a "pro-life" group who I interview called 'Idea País' consisted of a young group of political centre and right-wing individuals who describe their purpose as 'a centre of public impact which gathers secondary school youths and university students to work for integrated human development for Chile.' See bibliography for link to website.

⁴⁶ See website for full list.

the discourse should not be downplayed. Indeed, Soledad Barría describes the effect that these factors have had on society as producing a 'cultural regression', in terms of attitudes towards abortion since the return to democracy, despite the legality of abortion from 1939-1990. As such, challenging the informal institutions that shape opinion and limit the debate is of critical importance. Through a brief analysis of the women's movement since the return to democracy, the following section explains why the movement has been unable to effectively challenge the 'pro-life' institutions.

4.4 The state of the Women's Movement

There is a wealth of literature on the state of the Chilean women's movement⁴⁷ during the Pinochet dictatorship and the role that this united and organised movement played in bringing about the fall of the military regime (Waylen, 1996; Franceschet, 2005; Rios Tobar et al, 2003; Jaquette et al, 2006; Nazarit, 2007). However, it has been widely argued that after the transition to democracy the women's movement in Chile ceased to exist as a potent force and has subsequently suffered from a lack of visibility and cohesiveness (Waylen 1994, 2000; Richards, 2004; Franceschet, 2005). In addition to this body of literature proclaiming the demise and demobilisation of the movement in the transition period, there have recently emerged a growing number of works arguing for a new analysis of the movement in the 21st century (Rios Tobar et al 2003), which argue that comparisons to the dictatorship era movement are unhelpful to current analyses. Feminism and feminist movements are in a constant state of evolution, therefore our analyses must reflect these changing contexts. Jaquette argued in 1995 for a radical rethinking of what is political, which I argue is integral to the current analysis of feminist movements in 21st century Chile through their use of innovative strategies to challenge the informal institutions of the dominant discourse of the "pro-life" sector and promote the reproductive and sexual rights of women.

There is a notable lack of consensus amongst academics and activists alike over whether a feminist movement exists in Chile today, with many arguing that the movement has witnessed a

⁴⁷ In my analysis of the women's movement(s) I will be referring to groups and individuals who organise around feminist interests/issues in place of groups and individuals who organise as women. In interviews carried out in Chile during 2012-2013, I encountered one organisation (Investigacion, formacion y estudio sobre la Mujer - ISFEM), which specifically organised as women with an anti-abortion agenda. Other organisations such as Chile Unido and Fundacion San Jose, although made up primarily of women did not organise as women but instead from an anti-abortion/pro-adoption perspective. In an interview with the director of ISFEM Ismini Anastassiou stated that 'our institution was born as a response to the Beijing Conference of 1995...we are all women, it is an institute of women' - Interview 31.

considerable decrease in both visibility and influence since the return to democracy in 1989. In addition to the movements decreasing visibility many have argued that the movement is fragmented through the focus on specific interest areas and suffers from a lack of internal cohesion. Nazarit (2007: 4) describes the movement as 'disorganised,' and argues that a difference of opinions and strategies has led to a decline in the movement's influence. Congresswoman Maria Antonieta Saa (*Partido Por la Democracia*) argues that 'there is no strong women's movement today...there are groups which are more related to organised politics, but the more radical feminists profoundly despise politics. These groups won't even see me because they think I'm a traitor' (interview 23). Adriana Gomez of *Articulación Feminista* adds that the movement is 'precarious' (interview 8). However, Marisa Matamala of the same organisation is more optimistic about the movement, arguing that 'it exists; it exists in the social networks, in the quantity of organisations which have appeared in the cities' (interview 14). Others such as Sandra Castaneda of *Red de Salud* states that the movement has weakened, yet 'there has always been an initiative, even in difficult situations, which seeks to decriminalise abortion...the initiative has never stopped despite the movement experiencing difficult times' (interview 3). However, Jaquette's summary of the movement is more appropriate, as she notes that 'in the two decades since the transition to democracy...women's movements and feminist activism have not disappeared but have fragmented and diversified, making it more difficult to grasp their impact, measure their successes and failures and assess their implications for democracy' (2006: 208).

It has been argued that these criticisms of the movement stem from unhelpful comparisons between the pre and post-dictatorship era movements (Franceschet, 2005: 140). During the military regime, women organised around an issue which bought them together *despite* the intersecting interests of race, class and ethnicity; that of a return to democracy. With the return to democracy complete, women's intersecting interests became more pronounced and thus it was more difficult for women to organise specifically as women around supposed 'women's' interests. To assume that there are issues that affect all women in the same manner is to homogenise women as a category and overlook other factors around which women identify. Additionally, women organised within the confines of the roles expected of women; they organised as mothers, caregivers and food providers. In this sense, women did not challenge the dominant discourses surrounding reproduction, sexuality and gendered roles. However, today's movement focuses on the urgent need for a radical re-thinking of gender and an emphasis on human rights and participatory citizenship. Rios Tobar, Catalan and Caviedes argue that the concepts of 'disappearance or demobilisation...do not help to understand what has happened to

the actors who make up social movements. These concepts do not allow for analysis nor do they realise the form in which political subjects interact, assimilate, or respond to external changes' (2003: 16). Alvarez describes the movement as 'a field of expansive action, polycentric and heterogeneous that extends further than the organisations or the groups of the movements themselves' (1998: 93). These analyses support the need to reimagine what it means to be feminist and political in today's sexual and reproductive rights debate in Chile.

There is greater consensus around the idea that the movement is better understood as movements in the plural sense. Camila Maturana of Corporación Humanas (a feminist organisation of lawyers working to promote and protect women's human rights) argues that 'there doesn't exist something like a homogenous movement, there are feminist collective organisations...there is coordination, but nothing that widespread' (interview 43). Angela Erpel Jara of Línea Aborto Chile agrees with this analysis, arguing that 'it is better to talk of movements, effectively we have a common origin but we do not all back/fight for the same thing. The feminists of today, we are more for autonomy, the construction starting from communities and also it is very marked by theme of sexual diversity' (interview 33). Ríos Tobar, Catalan and Caviedes support this view, stating that 'to speak of feminism today requires speaking in plural, of a great range and diversity of forms of organisation, of repertoires of action, or currents of thought and political identities, of multiple spaces and fields where the political movement occurs' (2003: 17).

To identify the potential avenues for successful advocacy (both legislative change and social change), it is important to understand both the external and internal challenges faced by those agitating for increased sexual and reproductive rights in Chile. The feminist movement in Chile faces both internal fractures (opinions regarding tactics, lack of resources etc.) in addition to the external obstacles of conservative power. When analysing why the feminist movement has thus far been unable to achieve the decriminalisation of abortion, we must also consider the institutional, political, and social barriers created by the "pro-life" faction; a pervasive network of conservative influence, which permeates all levels of society, acts as a series of overlapping obstacles. By assessing the role of these obstacles, we can begin to identify (as several feminist organisations have done)⁴⁸ where effective strategy for reform lies.

⁴⁸ I will discuss the work of CUDS and Línea Aborto Chile in chapter 7; these organisations have identified social and cultural change as the most important element of their work and have signalled this as the most effective way of creating change in light of the many conservative obstacles blocking access to sexual and reproductive rights.

4.5 Conclusion

Due to the inability and unwillingness of the successive governments since 1990 to pass any legislation decriminalising and/or liberalising abortion law or to provide a comprehensive and affordable national system of sexual education, in addition to the unrepresentative (and arguably undemocratic) nature of the political system and the influence of insider interest groups, many Chileans feel disillusioned by formal institutional politics. The mechanisms used by conservative “pro-life” advocates have created a pervasive network of overlapping barriers to feminist change. As a result, activists, feminists and youth organisations have highlighted the importance of societal and attitudinal change; as such they are directing their focus towards autonomous, bottom-up activism with horizontal organisation structures. These groups do not possess the same levels of access (to formal politics, mainstream media, and professional hierarchies) as insider groups such as the Catholic and Evangelical Churches and economic elites do, and are therefore turning to innovative methods to challenge the dominant discourses and cultural beliefs that these groups espouse. They are attempting to educate and inform people of their rights and in doing so create a society empowered to challenge the discourses surrounding sexuality and demand their rights as citizens (this will be assessed in greater depth in chapter 7). In the following chapter I will analyse the creation and enforcement of cultural values around women’s roles in society and reproduction.

Chapter 5 - The Ideology of “The Right” and the Politics of Interpretation: Informal Institutions

*‘She [11 year old Belen] surprised everyone with her words which demonstrate a profundity and maturity when she said that despite the pain that the man who raped her caused, she was going to want her little baby and to look after it’
(President Sebastian Piñera, UDP Study 2013: 82)⁴⁹*

It is argued that one of the central reasons why abortion has not been decriminalised since the return to democracy is due to the right-wing framing of abortion as a moral issue (Htun, 2003; Blofield and Haas, 2005). Behind the framing of abortion as a moral issue lies the explicit and implicit enforcement of the ‘natural’ sacrificial maternal roles for women. In this way, the anti-abortion faction has successfully framed the issue of abortion in terms of the protection of innocent life against the interests of selfish, individualistic women who reject their natural roles. The underlying legitimisation behind their opposition to abortion is based on a traditional patriarchal system of gender roles and responsibilities; for this reason a gender perspective is critical to the analysis of the abortion debate in Chile. This chapter will provide an analysis of the conflicting and polarised discourses surrounding abortion and assess the important contextual issues which the “pro-life” faction keep off the agenda and out of the debate through their emotive appeals to the foetal right to life. In order to understand the “pro-life” sector’s displacement of women’s rights, I will look at the reality of women’s lives in society, politics, the economy, and the household and compare this to the ‘pro-family,’ ‘right to life’ and ‘pro foetal-rights’ discourse. By doing so, I will highlight the idealised view of the Chilean family promoted by the “pro-life” sector which is necessary for the preservation of the foetal rights discourse and its subsequent consequences for women’s rights.

The “pro-life” discourse valorises the foetus above the rights of women and simultaneously criminalises women who seek to abort. The discourse is limiting and has the effect of polarising the debate, thereby leaving aside the important gender issues by obscuring the underlying gender ideology upon which its arguments are based. I argue that the politics behind the interpretation of the right to life purposefully blurs many of the issues at the core of the debate. This stance can be seen in the conservative opposition to emergency contraception (EC), access to sexual education in schools, the promotion of ‘traditional’ gender roles for men and women, and its neglect of women’s mental health and wellbeing in the face of the insecurity of clandestine abortion and forced pregnancy.

⁴⁹ This is the response of President Piñera to the rape of an 11 year old by her stepfather.

This chapter will address how appeals to the protection of innocent foetal rights have been used to undermine women's rights and access to sexual and reproductive healthcare. Access to SRH is shaped by a gender ideology that places women in the natural role of both reproducer and caregiver; this patriarchal gender ideology is enforced both socially and politically. In order to maintain such a system, the "pro-life" faction perpetuates a discourse that permeates different levels of society in order to shape the content of the agenda. The proliferation of "pro-life" influence over and through different institutions (media, economic elite interests, the funding of think tanks, universities and schools, Churches, the State etc.) enables the shaping of the informal institutions of norms, attitudes, gender roles, which in turn shape the formal institutional responses to issues of SRH. This is in keeping with Lukes' 'three dimensions of power' theory whereby those who have access to agenda setting are able to keep the interests of others outside of the decision and influence making capacities. As Lukes argues, 'to the extent that a person or group - consciously or unconsciously - creates or reinforces barriers to the public airing of policy conflicts, that person or group has power' (1974: 20).

Arguably, one of the key issues is framing, which affects agenda setting. When we talk of framing the issue of abortion and SRH, we focus on a set of concepts and perspectives about how societies and individuals create and communicate issues; these concepts can be unified and homogenous in theory whilst maintaining internal contradictions in practice (such as conservative theory around SRH and conservative women undergoing abortions). Framing involves the construction of an issue that is communicated by interest groups, media, politicians, and organisations. The framing of an issue can be crucial in shaping societal attitudes to policy proposals or ensuring that certain topics are kept off the political agenda. The framing of an issue by repeating certain phrases can ensure that alternative perspectives are discredited. When an issue (such as abortion) is framed as a matter of the protection of 'innocence' and human rights, the Right wing sector successfully shapes the content of the agenda by obscuring the issues of mental health, poverty and a patriarchal gender ideology that are key elements removed from the debate. The argument becomes far simpler and easier to enforce; who would oppose the protection of innocent foetal rights? In this sense, the debate is successfully polarised, the minority voice is easily demonised and framed as an attack on the rights of innocent children; the promotion of women's mental health, the reduction of poverty, and the availability of contraception and sexual education are left outside of the debate. This chapter will explore and analyse the creation and enforcement of the "pro-life" ideology.

Before turning to the Chilean case, it is first useful to understand the wider regional picture; how have other countries in Latin America managed to achieve a liberalisation in laws regarding abortion whilst subject to many of the same informal and formal institutional obstacles as Chile? Shiffman and Smith outline four categories that help identify how political priorities are formed around global health initiatives and that are important to consider when assessing the success/failure of the legalisation of abortion: a) the strength of the actors involved; b) the power of the ideas they use to portray the issue; c) the nature of the political contexts in which they operate; and d) the characteristics of the issue itself (2007). In Mexico, these four areas were successfully mobilised to in 2007 when abortion was legalised in Mexico City after a long battle between feminists, “pro-life” interest groups, the Catholic Church and the State. According to Maria Mejia (executive director of Catholics for the Right to Decide)

‘what happened in Mexico City was the result of decades of relentless work to try and reframe abortion as a public health and human right as well as a moral or religious issue...I think what was key to our success [in Mexico City] was to stick to a harm reduction strategy over decades of campaigning. Basically saying to the authorities, if you can't make this legal then at least reduce the risks for women. This emphasis on abortion as a public health issue eventually led to the opening up of a dialogue, which simply hadn't existed before.’ (The Guardian, 2013)

Fuentes, Paine and Buettner argue that the successful legalisation of abortion in Mexico City was due to the fact ‘the feminist movement had worked to frame unsafe abortion as a social-justice and public-health problem, in other words, to define it in such a way that public discourse about abortion had to address those issues’ (2008: 347). Further, they argue that

The political and social context was the most important factor in achieving the historic decriminalisation of abortion in Mexico City. The three other components (the strength of the actors involved, the arguments they used, and the characteristics of the issue itself), have either stayed the same or solidified in recent years, and, obviously, provided a critical foundation during the debate process, but the decisive factor was the timing/a critical policy window opened due to the political context. Strong leadership, careful discourse and arguments, high-quality information, and clear evidence-based research are all necessary. It is also important to build relationships with key actors and sectors, including government entities. Another key aspect of our success was our partnership with allied NGOs, which allowed us to avoid duplicating efforts by strategically dividing labour. Last, but not least, processes like these always include an element of patience and consistency.’ (2008: 358).

The legalisation of abortion was possible in the federal district of Mexico (although nowhere else in the country) due to the federal system of governance, which is not true of Chile. As witnessed in the rest of Mexico, there was an aggressive backlash against the legalisation of abortion in the

federal district; in a political system that requires a majority quorum to change such legislation, this is not feasible in Chile. The 'harm reduction' strategy that Maria discusses above has proven unsuccessful in Chile, which has one of the lowest maternal mortality rates in the world and divisions within the feminist movement in Chile continue to impede progress in building alliances.

Further, in 2006, Colombia liberalised its ban on abortion to allow terminations in certain cases. In 2012 Argentina ruled that abortion be legal in cases of rape and in the same year Uruguay became the first country in the region to decriminalise certain cases of abortion under President José Mujica, permitting legalised abortion within the first 14 weeks of pregnancy in cases of rape and allowing later abortions when a woman's health is at risk. The Uruguayan case draws more parallels with Chile as its (then) conservative president Tabaré Vázquez vetoed the attempt to change the law in November 2008, despite the law having passed a senate vote and having garnered growing public support among an increasingly atheist and Protestant population.

However, this regional picture is not a straightforward success story and reflects many of the same informal institutional obstacles as Chile; for example Mejia argues that 'despite the new laws, we had whole hospitals in Mexico City saying they were refusing to offer abortions to any woman on moral grounds...85% of gynaecologists in the city's public hospitals declared themselves conscientious objectors following the legislation', which she notes is a result of the lack of engagement between the women's rights sector and health professionals - the same of which could be said for the Chilean case (the Guardian, 2013). Indeed, she notes that similarly to Chile,

'The anti-abortion stance and attitude of many service providers is one of the strongest weapons the opposition has across the region. Medical professionals have perhaps been the least involved [of all sectors] in debates and discussions around abortion, and anti-choice groups have very effectively carried out a deliberate strategy of targeting and influencing health professionals. This is a failure on our part, which is having devastating consequences for women, especially poor women, across the region' (The Guardian, 2013)

In countries such as Paraguay where abortion is illegal under all circumstances, feminists have used the language of human rights with an alternative understanding (compared to feminists in Chile); instead of demanding abortion, they claim the woman and child's right to be free from male violence – thereby side-stepping opposition from the Church and appeals to women's economic and social position, or right to health. However, whilst this strategy may evoke less opposition, it fails to tackle the structural gender violence of illegal abortion. What can be learnt

from the regional picture then is not universally applicable, however, it is clear that any reform must vocally and strategically tackle both the formal and informal institutions that act as obstacles to women's access to sexual and reproductive health services - as in Mexico City and as seen in the Chilean emergency contraception case.

5.1 The "Pro-Life" Vision of Society and Woman

'The role of the woman, despite the modern, professional figure, continues to be, and is demanded that she be, a good mother...There is a discourse which is about women not fulfilling the role which is expected of them in relation to maternity...the right of this woman to decide whether or not to have children is obviously going to be questioned' (Claudia Lagos Lira – Interview 1)

"Pro-life" opposition to abortion is often justified on the basis of the need to protect the nuclear bi-parental family; this is the foundation of many "pro-life" organisations. Executive director Veronica Hoffman of *Chile Unido* informed me that the second principal strand of their work (after the opposition to abortion) is the 'strengthening of the family as the fundamental nucleus of society' (Interview 15). Ismini Anastassiou, director of *Investigation, Formation and Study of Women* (ISFEM) also explained that their objective is to 'defend and fight for life and the family,' as abortion and adoption 'undermine the concept of the heterosexual family, which is open to life and has procreation as its aim' (Interview 31). Juan Antonio Montes explained that the focus of *Acción Familia* is a 'preoccupation with the future of the family in Chile...the cellular base of society recognised by the Constitution of the national republic as an element which structures the nation. Therefore, that which affects the family has very serious consequences for the rest of society in the short term and long term' (Interview 29).

In an interview with the Archbishop of Concepcion,⁵⁰ Fernando Chomali Garib, he reiterated the supposed binary of natural male and female qualities;

'only the woman can be mother, only the woman can breastfeed and these riches are distinct from that of man...[women] must live in profundity with the condition of being women, that is to be a wife and mother...they have a distinct psychology, physically distinct, different hormones, obviously they are different, that isn't bad, just different' (Interview 16).

⁵⁰ According to the Institute of Statistics 2012 survey Concepcion is Chile's second largest city in terms of population with a total of 971.368 people. This figure is not counting the surrounding areas of Greater Concepcion – see Censo 2012 (31/08/2012).

In harmony with this position, Catholic Priest Jorge Grisales stated that ‘man gives more authority, he brings security, shelter, stability and as such [men and women] complement each other...women have a more spiritual basis, they are more tender’ (interview 39). Whilst this is the position of the Catholic Church, communicated and spread amongst its followers, women continue to internalise this concept and the societal expectations upon them. It therefore becomes harder to support abortion as a woman as it is viewed as unnatural to reject maternity. This view is not only promoted by the Catholic Church but within several of the Evangelic Churches also. This view is not held by the Lutheran Evangelical Church as explained to me in two interviews carried out with the head of the Lutheran Church in Chile Luis Figuera Alvarez (interview 41) and female pastor Izani Bruch (interview 38). In an interview with Pastor Peña of the largest Pentecostal Methodist Church in Chile (in Santiago) he stated that ‘today we have a type of woman who isn’t the same woman of 20 years ago, she was a housewife, dependent on man, home-loving. This is such a beautiful vision’ (interview 42). This vision continues to be the guiding principle and justification behind designated gender roles for women; subsequently, opposition to abortion is portrayed as the rejection of these natural gender roles.

Unsurprisingly, there exists a significant lack of critical gender perspective in the conservative discourse. This lack of a gender lens extends to female politicians and female led “pro-life” groups (such as ISFEM and Chile Unido). When Senator Lily Pérez was asked if she considered herself to be a feminist she replied, ‘I don’t know what it is to be a feminist. If to be a feminist is to fight for women and their rights and that they then have equality of opportunity and a level playing field then, yes I am [a feminist]...it’s just that I don’t know...if it is that I think that women are better than men then no I don’t believe it’ (interview 36). The fact that a female Senator does not clearly understand the basic principles of feminism and instead believes feminism to mean that women are ‘better than men’ highlights the lack of understanding and application of feminist principles at even the highest levels of politics. Further, female led “pro-life” group ISFEM reject the label of feminism on a similar basis, arguing that ‘we are not feminists because we consider man and woman to have the same dignity but they are complementary...[women have] maternal intuition, concern, generosity...I personally believe in equality of dignity but not in complete equality, we are different’ (interview 31). Claudio Rojas from Idea País argued against the necessity for a gender perspective when discussing the issue of abortion, arguing that

‘we are very critical of the gender perspective. There are those, under the perspective of gender, who seek to promote real improvements for women but on the other hand we

think that the gender ideology as it is presented and diffused there is a disregard of the natural complementarity between man and woman' (interview 32).

By viewing women as always in relation to and complementary to men, the "pro-life" faction overlooks women as individuals with agency and limits women to roles and expectations which fit within the boundaries as expounded above. This lack of agency extends not only to the relationship between women and men but also to the enforced relationship between woman and foetus. Indeed, Veronica Hoffman of Chile Unido, when asked if we could discuss women's rights, answered 'no, and you know why? Because we don't fight for women's rights, or the child's, we fight for both of them' (interview 15). Woman is depicted within the conservative perspective as a dependent, always linked to man, foetus and/or family. Senator Ena Von Baer of the Independent Democratic Unity party (UDI) argued that women 'lend their bodies' during pregnancy, in this way they are reproductive vessels. The lack of normative agency women are granted from the family can be seen in the location of abortion in the penal code. As Angela Erpel Jara of Linea Aborto Chile explained, 'abortion is not located in the penal code as a crime against life but as a crime against morality and the family. Therefore, woman is seen as the guardian of the family and of the morality of society...they have installed the issue as an issue of morality and not as an issue of health or rights. In the discourse, man is still seen as the protector and woman as the weak one' (interview 33).

Linked to the expectation of maternity is the imposition of the supposedly 'natural' quality of female sacrifice. Sacrifice and maternity go hand in hand and are part of the underlying logic of the illegality of therapeutic abortion. In his open letter outlining the reasons behind his opposition to the decriminalisation of therapeutic abortion, the then President Sebastian Piñera stated that, 'if a woman decides to opt for the life of her child and risk sacrificing her own, then we must respect that' (El Mercurio, 20/03/2012). He further argues that 'as a Christian, I believe in life as a gift from God. Only he has the power to give life and the right to take it away.' The cultural-religious expectation that portrays women as Virgin Mary-like figures valorises the role of woman as sacrificial; responsible for care and support and inherently linked to the family. As Karen Espíndola, forced to carry to term her child with severe physical disabilities incompatible with life, explained to me, 'to force upon a woman against her will an experience as heart-breaking as the one that I lived with my own flesh and blood (myself and my family) represents without doubt a type of torture, which attempts to convert the woman, by force, into a martyr...which is a disgrace in a state which is supposed to respect human rights in their integral and harmonious form' (interview 10).

5.2 The Emergence of Foetal Rights – How have Foetal Rights Silenced the Rights of Women?

*‘From conception until death’
(Jorge Reyes, Proyecto Esperanza, Interview 13)⁵¹*

*‘Between life and psychological damage, I privilege life’
(Senator Patricio Walker, interview 28)*

I argue that the successful imposition of foetal rights depends on the displacement of women’s rights; they rely ultimately on a conflict between woman and foetus. Furthermore, the displacement of women’s rights in favour of foetal rights discourse is reliant on a traditional, conservative gender ideology. This conservative gender ideology, as outlined above, promotes the ideal of a sacrificing mother, who is naturally maternal, responsible for the family and morality, who must be chaste, and who views children as a gift from God. Abortion, then, is the ultimate rejection of all of these characteristics; foetal rights are the natural ally to this gender ideology. Both the gender ideology and foetal rights discourse are required in order to support and uphold one another. I will explore the formation of the informal institution of foetal rights by the “pro-life” sector in order to illustrate in chapter 6 how this informal institution influences the shape of formal responses to the issue of abortion. It is necessary to understand how both of these institutions interact in order to understand the potential of challenging informal institutions.

When asked ‘what do you think about the argument that women have the right to their bodies?’ Claudio Rojas of Idea País argues that ‘we think that this argument has little potency, without a scientific base...the life of the foetus is a distinct life which is not an organ of one’s own body’ (interview 32). The idea of the foetus as an independent being runs throughout the “pro-life” discourse and is a necessary basis of foetal rights. In order to imbue this independent life with personhood, the discourse uses strong, loaded language. Claudio argues that ‘abortion is an injustice...as much for the life which is eliminated as for the person who commits it’ (interview 32). He later refers to abortion as an ‘assassination’ (interview 32). Claudio explains that central to the work of Idea País is the training of young people; he states that ‘we train people to work professionally in places which have real public impact’ (interview 32). As I have argued above, the dominance of the foetal rights discourse is dependent on the successful proliferation of this ideology and discourse via its proponents into the mainstream discourse. Therefore, the implementation of the foetal rights discourse amongst people who have, or are likely to have, power to influence the agenda is central to the work Idea País undertake.

⁵¹ This is the rallying cry of the “pro-life” movement.

Ismini of ISFEM describes the foetus as 'another person with their own rights'. She adds that 'to abort is to kill...to kill someone defenceless that hasn't done anything wrong' (interview with 31). Veronica Hoffman of Chile Unido refers to the foetus as 'an innocent, defenceless child' and to pregnant women as 'mothers,' despite the women she is referring to being women with unwanted pregnancies; those who have not chosen motherhood, or the role of mother (interview with 15). Fernando Chomali also uses this emotive language, stating that 'abortion is an act of violence against those who are defenceless' (interview with 16). Juan Antonio Montes of Acción Familia also refers to women who have aborted as 'this mother who didn't become a mother and this child who wasn't born' (interview 29). The purpose of referring to women in this way is to promote at all times the cementing of the natural role of women as mothers. Additionally, to refer to the foetus as a child is to encourage the idea that a parental bond naturally exists between a woman and the foetus she carries, despite the pregnancy being desired or otherwise. Indeed, Juan Antonio claims that 'it is natural; this natural, intimate and irreplaceable link between mother and child begins and develops from conception. It is the most intimate and natural thing that can exist' (interview 29).

Another necessary element of the foetal rights discourse is the creation of conflict between woman and foetus. In order to cement this conflict, many "pro-life" organisations apply a discourse of guilt. For example, Veronica Hoffman of Chile Unido explained,

'here we don't trick women, we don't pressure them, we just accompany them, and in this accompaniment we make women realise that they don't want to abort. If despite this accompaniment she continues to insist that she wants to abort, here we bring her an ultra-sound, we give her the opportunity to hear the heartbeat of her child. And when they go for the ultra-sound, there is nobody that has resisted before the heartbeat of their child, and that is the key to revert the decision to abort' (interview 15).

Fernando Chomali argues that 'abortion is an arrogance to believe that there are people who do not deserve to live or who deserve to live less than others. No one asks this incipient human being if they want to live or not, this has to be seen as an issue of common sense. It's very simple' (interview 16). By describing the decision to abort as arrogant, this framing devalues the context in which women abort, assuming that the decision is made from a position of arrogance. This acts to silence women's rights and the importance of the contextual reasons and situations within which women make the decision to abort. This position is reflected by those within formal political power; Senator Patricio Walker of the Christian Democrat party adds to this picture of

conflict between women's rights and those of the foetus, stating that 'many organisations which promote the rights of women, of gender equality and speak of the right to abortion as part of the reproductive rights of women don't consider the life of third people, of the foetus and in this sense it is a very restrictive vision' (interview 28). RN Senator Francisco Chahuán explained to me when discussing the 'conflict' between the rights of the foetus and those of women, that 'the reproductive rights of women, which we support, have as their limit the rights of the person who is to be born' (interview 25). This perspective places the foetus and the woman in a position of hierarchy and conflict, which thereby limits the conversation around abortion and the context within which women must make decisions. Senator Chahuán clarifies his pro-foetal rights position further by stating that 'we believe that there is a new definition of the concept of the right to life, the right of those to be born...the rights of one person end when the rights of another begin' (interview 25).

Another element of the foetal rights argument relates to the issue of rape. When interviewees were asked how the "pro-life" perspective views impregnated victims of rape, a hierarchical view of innocence was expressed. Alejandro Serani of the University of Los Andes argues that

'the law has to protect the lives of people without discriminating...when we discriminate between who deserves protection and who does not then society will end up unprotected. Life is a fundamental good, now the person who is not responsible for this is the child. We cannot resolve the problems of society by violating the fundamental rights of an innocent person' (interview 11).

Father Jorge Grisales argues that 'in the case of rape we cannot take responsibility for the guilt of the rapist, it is God that takes life' (interview 39). Neither the negative consequences of this situation for women, nor their innocence was considered in the interviewee responses. Claudio Rojas of Idea País argues that 'one could consider that the blame towards the woman [for wanting to abort] is less' in cases of rape, however, 'the criteria is the same...it continues to be the life of an innocent foetus and to kill an innocent human being is an injustice, that's why I am against it.' (Interview 32). As Daniela Lopez and Maria Constanza Riffo, activists in the 'pro-choice' advocacy group Miles Chile, argue:

'raped women stop being treated by the law as victims and become instead considered a culpable – for becoming pregnant – of a crime. A raped woman should not be imprisoned for having an abortion, however, many argue that the foetus isn't at fault, and therefore you cannot allow abortion in the case of rape. This statement does nothing more than validate, within the prevailing society, that the raped woman has some of the guilt, and therefore, she should take responsibility for it' (El Mostrador, 04/02/2014).

The imbuing of a foetus with personhood by the “pro-life” faction is central to the formulation of the foetal rights discourse. Human characteristics, such as: innocence, defencelessness, integrity, the desire to be born, and fear all work to create the idea of a fully formed human being. The “pro-life” discourse then refers to the foetus as a ‘child’, a ‘human being’, a ‘son’ or ‘daughter’ and the woman as a ‘mother,’ thereby creating familial bonds between woman and foetus within the national consciousness and dominant discourse on issues of SRH. This discourse, teamed with the concurrent binary gender ideology, creates a situation in which the debate around abortion is limited. Additionally, this is cemented via a dominance of conservative media, economic elite control of “pro-life” organisations, universities, businesses, and over-representation of conservative interests in formal institutions. These mechanisms of enforcement will be addressed in greater detail in chapter 5, and the reflection of this informal institutional discourse within formal political responses will be examined in chapter 6. In the following section, I analyse how the “pro-life” ideology (the mixture of foetal rights and gender ideology) obscures the contexts within which differently situated women live and abort.

5.3 The “Pro-Life” Ideology: Why Women Abort

In keeping with discourse of the bi-parental marital family unit and women’s ‘natural’ urge for maternity, is the link made between sexuality and procreation. Conservative discourse argues that procreation is the ultimate aim of sexuality; sexuality is to be practiced only within these boundaries, therefore abortion is the rejection of the purpose of sexuality. As Juan Antonio Montes of Acción Familia argues, abortion ‘is the fruit of the modern culture which has disassociated sexuality with procreation...they want to have the benefit of sexuality without obligations. Many women have abortions for superfluous motives’ (interview 29). The disassociation of sexuality and procreation, it is argued, increases a laxity of values among women. Pastor Peña describes the decision to abort as the result of ‘moral laxity,’ a ‘libertine situation...whereby people want to abort so that it doesn’t ruin their lives’ (interview 42). The Minister for Health Jaime Mañalich justified his opposition to the 3 projects debated in 2012⁵² to decriminalise therapeutic abortion, arguing that to do so would create such a ‘complete laxity that would permit women to abort every time the mother requested’ (La Tercera, 03/04/2012).

⁵² Project 7373-07, 6522-11, 6591-11

The alternative that the conservative sectors offer to sexuality and procreation is chastity and abstinence. Fernando Chomali argues that the sexual education in Chile lacks a focus on 'love that implies sacrifice, compromise and implies many things;' what is needed is 'the promotion of the virtue of chastity' (interview 16). Ismini of ISFEM stated that 'we support a sexual education based on superior values...the same idea proposed in Uganda...the issue of abstinence – ABC: abstinence, be faithful, condoms, in that order' (interview 31). Alejandro Serani of the University of Los Andes⁵³ in response to the question 'what do you think would reduce the number of women resorting to abortion?' stated simply 'love.' 'The problem of abortion', he added, 'is a problem of a lack of love, of protecting ourselves and accompanying ourselves' (interview 11). Claudio Rojas of Idea País, a conservative youth training organisation argued that 'no-one explains to the youth the path of abstinence; nobody explores a more integral vision of sexuality' (interview 32). In addition to chastity, others argue for the promotion of material that informs women of how morally harmful abortion is in place of a system of sexual education. Veronica of Chile Unido argues that sexual education alone is not the answer to help reduce the number of women who resort to abortion but 'a greater value of life...more information of how abortion harms women and much more information about what it is you are really killing' (interview 15).

The conservative position is highly paternal in that it paints women as unknowledgeable, unaware of the difficulties of abortion, as Chomali argued regarding the majority in favour of therapeutic abortion: 'many are ingenious and many are ignorant' (interview 16). Many "pro-life" participants argued that one of the central reasons behind women's decision to abort is that 'they have lost the value of life' (interview 16). Additionally, they suggest that women are not aware of the damage that abortion causes them and in fact that women 'think that it is something easier to do' (interview 15). Among other reasons given in response to the question 'why do you think women resort to abortion,' include: 'selfishness, feeling unprotected, not knowing what they are actually doing' (interview 31). Interestingly, Arch Bishop Chomali noted that 'many women feel obligated and pressured...by men and by society, by the stigmas of what people will say' (interview 16). However, he does not recognise that this very societal pressure emanates from his severe "pro-life" discourse that the Catholic Church disseminates through masses, interviews and anti-abortion materials given to politicians during debates regarding reproductive rights.⁵⁴ An example of such societal pressure of guilt is the recently declared 'day of the unborn and adoption,'⁵⁵

⁵³ A Catholic Opus Dei university

⁵⁴ In our interview, Arch Bishop Chomali informed me that he had written a book about therapeutic abortion that he had given to politicians during the recent debates in 2012.

⁵⁵ Law 7254-07 (First presented 6/10/2010 and made law on 10/08/2013)

which celebrates the ‘smallest, defenceless, innocents who deserve the best protection of society.’ According to Veronica Hoffman of Chile Unido who presented her support for the project at the Senate discussions, women can seek ‘redemption’ from God and forgiveness for their sinful actions’ (Chile Unido 04/07/2014).

5.4 The Precarious Reality of Women’s Lives

‘Here we all know about how bad abortion is but we don’t know the other side of it. We know that women are bad, criminals, everything that the hierarchy tells us, everything that the publicity tells us, but the other side isn’t known. The idea is to know what happens to women when they abort, why they abort, how they abort.’
(Veronica Diaz, interview 6)

‘The debate must be focussed on the reality of the circumstances...[instead of] shouting theories in the air.’
(Karen Espíndola, interview 10)

The “pro-life” ideology purposefully does not attempt to explain *why* women are affected by abortion, why they choose (to varied extents) to abort, and how they feel about the experience. A common thread in the “pro-life” discourse is the stating of negative consequences of abortion without explaining the potential reasons behind these consequences (and also without considering that it can be an empowering choice). Indeed, several interviewees suggested that the “pro-life” faction contributes to such problems through their aggressive application of ‘innocent’ foetal rights appeals at the expense of women’s rights.⁵⁶ The argument that post-abortion depression could be linked to guilt over the rejection of forced motherhood is not present in the “pro-life” discussion. Furthermore, not only does the “pro-life” sector overlook the negative influence of the foetal rights discourse on women, it does not consider the wider social, cultural and economic context within which women abort, such as pressure from partners, lack of financial stability etc.

Haas argues that ‘the Catholic Church’s official statements on abortion are devoid of references to the larger social context in which abortions occur, the class bias inherent in abortion practices in Chile, or any reference to women as victims, forced by circumstances to resort to abortion’ (2005: 129). This is also true of the wider “pro-life” sector discourse, not only that of the Catholic Church. Instead of working to address these contextual situations within the SRH debate, the “pro-life”

⁵⁶ This view was expressed by Veronica Diaz Ramos of CCD (interview 6) and Angela of Linea Aborto (interview 33)

faction maintains a pro-family and foetal rights (read: pro traditional gender roles and anti-women's rights) stance. However, contrary to the dominant conservative discourse which paints Chilean society as based on a nuclear, married bi-parental family, the reality of many women's lives is very dissimilar. This is a mechanism applied by conservative sectors in order to obscure the reality of economic, racial and ethnic inequalities and unequal gender roles and responsibilities.

In a study carried out by the United Nations Economic Commission for Latin America (CEPAL) in 2007 it was noted that:

'to analyse the structure of the family and the home is fundamental in understanding gender inequalities, such as the size, the composition, and the type of home which have diverse implications for the lives of men and women. Not only is the female participation in paid work closely linked to family responsibilities, but so too are the options, opportunities and obstacles that women face in their daily lives' (2007: 83).

The most recent CASEN study of 2011 entitled 'Woman and Family' (as the two are often seen as synonymous) highlights that only 25% of families consist of bi-parental units in comparison with 58.9% of households headed by one person with children (CASEN, 2011: 3). Of such households, 88.7% are headed by women, with only 11.3% by men. Furthermore, the familial model that conservative sectors seek to 'protect' is the traditional binary unit of male and female wherein the woman, due to her natural instincts and abilities, holds the responsibility for childcare and domestic work. This responsibility affects all ages of Chilean women, from the 58.9% sole female-headed households, to the 26.9% of girls (13-17 years old) who are not in education as a result of either pregnancy or childcare compared to 0.5% of males (CASEN, 2011: 11). In addition to the responsibility women hold for childcare, they are also subject to economic inequality when compared to their male peers. Of those who had completed basic schooling the salary gap between males and females was 50.6%, and the salary gap for those with incomplete superior level education was a staggering 71.6% gap (CASEN, 2011: 21). The huge breach in salary differences and educational drop-out rates must be seen in light of enforced motherhood; maternity as the expectation and responsibility of women and a lack of alternative choices for certain women. This view was expressed by several interviewees who argued that for women and girls from lower economic backgrounds, motherhood was seen less as a choice and more an opportunity to have something. Gilda Luongo of La Morada explained,

'we did surveys among youths, in vulnerable areas, if they used contraception, and the majority didn't use them because they said that the men did not like to use them, and when we asked them about the risk of getting pregnant and motherhood they said they

had no problem with it because they viewed it as having something, to be a mother was to be something. Abortion was not a possibility. When one speaks about abortion, the topic of guilt comes up' (interview 7).

According to research by the Ministry of Health (MINSAL), in 2012 14.42% of births were to adolescent mothers (15-19 years of age) with a further 0.36% to mothers 10-14 years of age. Additionally, 48% of 15-19 year olds reported having had sexual intercourse (MINSAL, 2013: 10). The study further notes that 'teen pregnancy has been linked to several social determinants, amongst those that are found are a low socioeconomic level, a low level of school attendance and education, the absence of a life trajectory, and this has also been linked to inequalities in access to sexual and reproductive health services (MINSAL, 2013: 2). The extremely high rates of teen pregnancy, especially in lower income areas, must be seen in light of the conservative opposition to sexual education in schools and the legal distribution of emergency contraception in public health facilities. Figures generated from a study carried out by the National Ministry for Youth (SENAME) indicated that between January 2012 and October 2013 there were 58 minors in the Ministry protection programmes who were pregnant as a result of rape. Eight out of those 58 were between 11 and 12 years old.⁵⁷ The 2007 CEPAL study also notes a 'high prevalence of violence against women' (2007: 173) perpetrated by either spouses or persons known to the victim, which the available statistics do not fairly represent due to a high rate of violence being unreported.

A short overview of the two situations will clearly indicate the dual stance of the "pro-life" factor that vehemently opposes abortion and promotes a "pro-life" discourse, whilst concurrently opposing productive measures to combat the causes of unwanted pregnancy. The following section addresses the repercussions of the "pro-life" framing explored above which excludes women's rights from the debate. The conflictual framing has adverse consequences for women in relation to mental health, high rates of teen pregnancy, and lack of access to sexual education and contraception (including emergency contraception).

5.5 Emergency Contraception

The legal and political battle fought over the distribution of the emergency contraception pill (EC) raised questions over the benefits and limits of framing of issues of SRH and further highlighted the framing of conservative opposition to women's rights and abortion. The emergency

⁵⁷ Also see Red Chilena (04/02/2014) for verified figures.

contraceptive pill had been legal in Chile from 1968 (La Tercera, 02/02/2014) and was available to buy in private pharmacies and clinics; this situation went unchallenged by conservative interest groups and politicians. However, in 2006 the Ministry of Health, under Socialist President Michelle Bachelet, introduced the 'National Norms of the Regulation of Fertility,'⁵⁸ which sought to ensure the free distribution of EC in all public health facilities, including to minors less than 14 years old without parental consent. This obligatory redistribution of economic resources, intended to create free access to all, invoked conservative opposition from within politics, the Church, and "pro-life" interest groups. In September 2006, a group of 31 parliamentarians brought a case to the Constitutional Tribunal arguing that the obligation to provide EC in public health facilities was unconstitutional. In response to the claims made by the "pro-life" sector that the hormone Postinor 2 was abortive, work carried out by Horacio Croxatto and researchers at ICMER proved this claim to be incorrect. However, in 2008, the tribunal ruled in favour of the "pro-life" faction and thus prohibited the distribution of EC hormone (Postinor 2) in public health facilities. However, President Bachelet pushed through Law 20.418 on 18th January 2010 with the edited amendment of the provision of EC to those under 14 requiring a parent or guardian's consent.

The conservative opposition centred on four key arguments: EC is abortive, the protection of foetal rights, the right to conscientious objection, and the parental right to educate one's own children regarding sex. Additionally, underlying these arguments was the ever-present argument that EC (like abortion) would encourage moral laxity and promiscuity among women. The 'pro-choice' position was based on the following notions: EC is not abortive, it helps to prevent teenage pregnancies and abortion, access to EC would address (partially) the issue of economic inequality, and women's bodily right to choose. As Diaz and Schiappacasse argue, 'the journey of EC in Chile sits at the intersection of public health, law, religion, politics, science, and women's rights' (Diaz and Schiappacasse, 2012). 'The gender ideology of the conservative discourse was further highlighted by the inclusion in its demands, alongside the opposition to EC, of the removal of the intrauterine device (IUD), which according to the (then) Minister of Health some 2 million Chilean women used (interview 2). Lidia Casas argues that the constitutional tribunal ruling in the EC case gave legitimacy to and strengthened the rights of the foetus, as the ruling argued that a foetus had the right (via an interlocutor) to bring a court case. Casas maintains that 'the Supreme Court ruling provided additional substantive arguments on the status of the foetus...the chamber said that a foetus has a constitutional right to be born and become a person. Any threat or harm to a fertilised egg would constitute abortion under the Criminal Code' (2004: 449). The lesson

⁵⁸ Leyes de Chile (03/02/2007)- Supreme Decree No. 48/2007.

learnt, it was argued, was a tale of 'caution' in framing an issue of sexual and reproductive rights along with the importance of 'working with groups of women and young people in order to move civil society, without mobilisations which exert pressure it would have been difficult for (EC) to have been approved' (interview 2).

Various access issues persist with EC; although its distribution is legal in all public health clinics (and pharmacies with a prescription) thanks to law 20.418 regarding the regulation of fertility passed under the Bachelet government, many mayors have refused to supply the drug, citing conscientious objection despite scientific proof that the drug is not abortive. According to studies carried out by Fundacion Pro de Salud (see Appendix 9) and FLACSO (Benavente, Dides and Saez, 2010), some municipalities have found various ways to circumvent the law stating reasons such as: there was no stock, the prescription isn't signed, it is only given in cases of rape, parent's permission is required, and there was no midwife available etc. As deputy Gabriel Silber of the Christian Democratic Party notes, 'of 354 municipals to date we have 32 or 35 municipals whose mayors have refused the drugs' distribution for moral reasons, this is illegal' (interview 21). In a study carried out by FLACSO, it was noted that in 2008 out of 167 municipalities only 54% stocked EC in public health facilities; this figure had dropped to 50.5% in 2009 (Benavente, Dides and Saez, 2010: 7). Of cases where EC was not distributed, 20.8% was due to the conscientious objection of the municipal mayor (Benavente, Dides and Saez, 2010: 17). Senator Lily Pérez of the National Renovation party highlights some of the critical problems regarding access to the pill as a lack of fiscalisation and contradictory positions amongst those who are against both abortion and EC. She argues that 'unfortunately we senators do not have the capacity to inquire into the situation/follow up on the law; I have never understood why the ministry of health does not do this. This is a dereliction of duty of a mayor...here there is a contradiction in the attitudes of many' (interview 36).

The emergency contraceptive pill is today available to purchase in many pharmacies (ranging from \$7000-\$15000), therefore women with resources continue to have access while those without have greater difficulty in obtaining the pill due to their reliance on free public health services. Haas and Blofield argue that in the specific case of Chile 'both religious and class based opposition to reform is strong' (2005: 39). In a study carried out by The Association for the Protection of the Family (APROFA) and Latin American Faculty of Social Sciences Chile (FLACSO), the highest and lowest rates of live births (by area) of 15-19 years old girls clearly demonstrate that the rate of teenage pregnancy is directly linked to economic inequality (APROFA, 2009: 2). The comuna with

the highest rate of teenage pregnancy in 2005 was La Pintana with 80.9 per 1,000, followed by Alto Hospicio with a rate of 80.7 live births (both low income communities), compared to a mere 6.8 per 1,000 in Vitacura and 8.0 in Las Condes (higher income areas). Women from the upper and middle classes additionally have greater access to reproductive healthcare, contraception and abortion in private clinics. One interviewee recounted her experience of such practices when she attended a private clinic in Las Condes suffering from a miscarriage. She informed me that the doctor asked no questions and carried out the procedure in a safe environment with follow up care, which she explained differed significantly to the experiences of women who attend public hospitals in the same situation who suffer questioning, abuse and threats at the hands of staff.⁵⁹ The number of poorer women imprisoned for abortion according to Lidia Casas Becerra (1997) highlights this economic inequality (also noted in interview 9). In an interview with the director of Catholics for the Right to Decide Chile, Verónica (Coka) Díaz Ramos highlighted that,

‘those people who have money...who become pregnant can travel abroad (to have a legal abortion) or go to a doctor who will perform an abortion for them. However, a poor woman does not have access. The people from the richer areas have access to buy good methods of contraception, look after themselves with pills and if they become pregnant they can pay for an abortion or the morning after pill, which are extremely expensive’ (interview 6).

Those with access to contraception do not feel pressured to push for legislative reform on these contentious issues. Conservative opposition to the distribution of EC has been criticised by the Left and several more liberal Centrists politicians due to the potential of the drug to reduce teenage pregnancy rates and the number of women resorting to abortion. Why, if the pill has been proven and widely accepted not to be abortive have the conservative faction maintained their opposition? If we refer to research carried out by Blofield and Haas (2005) which shows that bills are most likely to be successful if they do not require a redistribution of wealth or challenge traditional gender roles, we can begin to understand why conservative opposition remains; the distribution of EC in public health facilities to all women upon request requires economic redistribution and poses a challenge to traditional gender ideology. Additionally, an improvement in the quality of and access to sexual education in Chilean schools would require both a redistribution of wealth and the challenging of traditional gender roles; naturally conservative opposition to sexual education has been consistent since the return to democracy.

5.6 Sexual Education

⁵⁹ The interviewee asked to recount this experience off the record.

'The greatest obstacle that we have is an education system which in my view proposes an idealised version of life that very often is substantively different from the reality of our country'
(DC Deputy Gabriel Silber, interview 21)

The influence of “pro-life” interest groups can be clearly seen in the failure to establish an effective system of sexual education in schools. It is widely agreed among all those interviewed in this research that there does not exist a good quality of sexual education in Chilean schools, with conservatives disappointed at the lack of focus on affection, chastity and abstinence, and more liberal sectors disillusioned with both the lack of access to, and quality of, education. The “pro-life” Right wing sectors have sought to maintain close control on the content and access to sexual education in schools. I argue that this ought to be viewed as a mechanism applied in order to maintain a conservative gender ideology, thus maintaining control over the content of sexual and reproductive rights debates.

In 1995 under President Eduardo Frei, the Ministry of Education with the Support of SERNAM (under Minister Josefina Bilbao) launched a programme entitled *Jornadas de Conversación de Afectividad y Sexualidad (JOCAS)*, in which discussions were held with students, families and educators. The content was designed by either the schools involved or the municipality and was intended to break the silence around issues of sexuality and reduce the number of teenage pregnancies (ages 15-19), which in 1992 accounted for 11% of the annual birth-rate and 12% in 2001 (INE, 2002: 76). The programme has been described as a short-lived success due to its relatively fleeting nature (interview 12). However, the programme generated widespread opposition and was discontinued in 2000 with the election of Ricardo Lagos. Marta Godoy of SERNAM explains, ‘obviously this [JOCAS] produced tremendous scandal, all of the de facto powers discussed it, the Church made an incredibly strong attack and also the Right wing questioned whether we were discussing family values...so JOCAS fell and it wasn’t repeated’ (interview 12). As B Shepard points out, opposition also emanated from within government; she contends that ‘opponents eroded the programme’s financial support base from within’ (2006: 169).

The current sexual education consists of 7 distinctive programmes (ICMER, May 2012), which schools can select from to suit their own values and principles and all of which the school is required to pay for, with programmes ranging from \$34,000 per person to \$140,000. However, several of these programmes contain homophobic teachings and have been criticised as reflecting

a morally biased position in place of a scientifically approved biology based education. Deputy Gabriel Silber (DC) argued that the current condition of sexual education in Chile is very poor and is often imbued with 'religious prejudices and a vision of morality which at the end of the day has led to a high rate of clandestine abortions on the part of young people badly equipped in the first stage of their youth' (interview 21). The main criticism however is that, despite the existence of these programmes, because schools are required to pay for them many simply cannot afford to do so, or prioritise elsewhere, thus leaving many students without any formal sexual education.⁶⁰ Claudia Lagos described the provision of sexual education as an 'arbitrary decision of colleges' (interview 1). As Adriana Gomez of *Articulación Feminista* further explained, 'although they are supposed to be obligatory, very few colleges have been able to implement them' (interview 8).

The lack of available sexual education in schools or other government institutions has meant that many young women and indeed older women are unaware of available methods of and access to contraception and through this lack of knowledge find themselves in precarious situations. As Verónica (Coka) Díaz of Catholics for the Right to Decide highlighted, 'the women don't know, they don't explain to them about the different methods. In the public hospitals there isn't time to give them information, they treat people badly and the women don't dare to ask' (interview 6). In a recent study carried out by Diego Portales University (as part of its annual human rights study), it was noted that of the 118 women brought to court under charges of undergoing abortion, 32% were students and 20% of those were secondary school students. It was also noted that the socio-economic condition of those imputed was 'lower and medium levels' (UDP Report, 2013). However, despite various studies that clearly demonstrate the link between class and teenage pregnancy levels, sexual education continues to be a market commodity largely unavailable to those from lower socio-economic backgrounds. Although it could be argued that there are various sources of information about sexual and reproductive health online and a large percentage⁶¹ of the population has access to the internet, there is no way to ensure that all young people will receive a comprehensive, effective and unbiased sexual education, which is clearly demonstrated by the high levels of teenage pregnancy. Additionally, despite the high figures of teenage pregnancies and clandestine abortion, conservative opposition persists by influencing the education agenda in the current sexual education programmes. Conservative designed sexual education programmes include anti-homosexual perspectives and the promotion of religiously

⁶⁰ Interview carried out by author with Sandra Invernizzi midwife in the Island of Chiloe, who informed me that neither of her two daughters 14/17 had received any sexual education at school (interview 20).

⁶¹ The 'Enlaces project' has connected all secondary schools and over half of all primary schools to the Internet, thereby giving 'more than 90 percent of the Chilean students access to a connected computer' See link to the Enlaces project in bibliography (Accessed on 04/11/2014).

justified abstinence, in place of an education regarding access to and use of contraception (ICMER, 2012).

5.7 Public Health

*'There are not even any reasons so powerful or worth consideration in themselves, such as health...[which are] sufficient to sacrifice the life of an embryo, an innocent being who has no [ability] to defend itself'
(Senator Patricio Walker)⁶²*

*'How many women die from abortion in Chile, 10? They are not going to change the law for 10 women...There are few who die, but there are many who suffer, who are badly treated'
(Verónica (Coka) Díaz Ramos, Catholics for the Right to Decide, interview 6)*

*'Here we have a lower maternal mortality rate than the U.S.A; there is no excuse to justify therapeutic abortion'
(ISFEM, interview 31)*

Much of the mainstream “pro-life” discourse around the decriminalisation of therapeutic abortion has centred on the lack of medical necessity due to the low maternal mortality rates in Chile, in addition to the (supposedly) inevitable post-abortion syndrome. As I shall highlight, both ‘pro-choice’ and “pro-life” public health arguments which centre solely on mortality rates are flawed as maternal mortality rates are so low that there is no obvious tangible health crisis; the health crisis which exists is much more difficult to quantify and demonstrate, that of mental and emotional wellbeing.

Dr Elard Koch from the University of Chile (a prolific “pro-life” academic) in his presentation before the Health Commission in 2011 argued against the necessity of decriminalising abortion on the basis that maternal mortality in Chile was extremely low thus, on a health basis, there was no need for legal access to therapeutic abortion. He stated that Chile had the lowest rate of maternal mortality in Latin America with a rate of 12 deaths per 100,000 live births, representing 0.1% of the causes of death of women (Koch, 2011: 6).⁶³ However, many ‘pro-choice’ advocates are focussing their energy on alternative health based appeals, those of mental and psychological health, by highlighting the precarious and tortuous nature of the effects of illegal and clandestine abortion practices. As Angela Erpel Jara of Linea Aborto Chile, when asked about the slogan

⁶² Senate discussion of projects: 7373-07, 6522-11, 6591-11 – See senate discussion (21/03/2012).

⁶³ Koch’s arguments also had significant overlaps and similarities with the arguments of several “pro-life” groups I interviewed such as Chile Unido and Acción Familia, such as his references to the ABC Campaign in Uganda.

contraception in order not to abort, abortion in order not to die, explained ‘we see it more as an issue of *how* you want to live your life, an issue of mental health, more than an issue of maternal mortality because here it is very low’ (interview 33).⁶⁴

In the recent political debate in 2012 concerning projects 7373, 6522, and 6591, conservative opposition argued that legalising therapeutic abortion would be unnecessary due to ‘scientific and medical advances’ made in maternal healthcare which meant that doctors rarely had to decide between the life of the mother and child (El Mercurio, 20/03/2012).⁶⁵ Despite the fact that this argument overlooks abortion in 2 of the 3 justifications (rape and foetal inviability) by focussing only on the conflict of interest between woman and child, it was widely argued by ‘pro-choice’ advocates that although this conflict is now ever more unlikely it is still possible and therefore left such intimate decisions up to the discretion of doctors. This situation has been described by one midwife as one of ‘ambiguity’ (El Mostrador, 20/03/2012),⁶⁶ wherein medical staff are unsure of their obligations, women are unsure of their rights and doctors have discretionary power over women’s intimate life decisions. Despite the low rate of maternal mortality, many women still find themselves hospitalised with pregnancies that end in abortions each year. Between 2001 and 2006, according to a study by FLACSO, the average number of women with pregnancies ending in abortion was 39,192 annually (Benavente, Dides and Saez, 2011: 2). As the same 2011 FLACSO study found, 87.7% of those asked believed that women who underwent abortions were not treated with dignity (2011: 18). Not only has the discretionary decision of individual doctors in cases of therapeutic abortion been highlighted as having a negative impact upon women, but so too the treatment many receive at the hands of medical staff in cases of clandestine abortion complications. ‘Pro-choice’ advocate doctor Guillermo Galan argues that ‘we do not need legislation because women are dying, but I do believe that we need to legislate in order to avoid the suffering of women’ (interview 5).

The denunciation of women in health facilities is illegal in accordance with the Ministry of Health’s ‘Protocol for the Humane Treatment of Abortion’ (MINSAL, 2009).⁶⁷ However, many people either

⁶⁴ Similar points made by Soledad Diaz (interview with author) who stated that ‘the [maternal mortality] statistics don’t support the argument to legitimise secure abortion. What is different is the conditions of health which require abortion.’

⁶⁵ This point was made by President Sebastian Piñera in his article in the newspaper ‘El Mercurio’ entitled ‘My promise to life,’ in which he argued that ‘scientific and medical advances have now made the possibility of an inescapable collision between two lives *very improbable*.’

⁶⁶ The author Pamela Eguiguren Bravo is a Midwife and PhD candidate at the University of Chile.

⁶⁷ The UDP Human Rights Study (p. 103) highlights that of the medical professionals interviewed in the study, none were aware of this protocol.

are not aware of the protocol or they choose to disregard it. Angela of Linea Aborto highlights this issue, stating that ‘many medics feel that they have the right if a woman arrives with [signs of] an abortion to call the police, which is illegal, but many women do not know this because in emergency centres they often skip protocols’ (interview 33). In the 2013 UDP Human Rights study, several testimonies were collected from women who had experienced traumatic treatment at the hands of medical professionals, attesting to the insecure and distressful nature of illegal abortion (UDP, 2013). As Shepard notes, ‘health providers in the public hospitals who disapprove of abortion often take punishing attitudes toward these patients. There are many accounts not only of hostile remarks, but also of providers performing dilatation and curettage⁶⁸ without anaesthesia on women with incomplete abortions and forcing women to take medications designed to halt spontaneous abortions’ (Shepard, 2000: 122). Parallel to the treatment received in public facilities, when women access private, clandestine abortion services they are open to being taken advantage of due to the fact that the entire procedure is outside of the law.⁶⁹ An interviewee (doctor) in the UDP study attested to knowing at least 3 women who came to him after experiencing ‘two types of debts: in cash for the abortion and then the medic demanding a second payment: oral sex’ (UDP, 2013: 95).

Furthermore, this hostile treatment is often reported as occurring to women who access post-abortion medical care in public hospitals (read: women with few resources). These are the same women who are subjected to criminal proceedings in a disproportionate number compared to women from middle and upper classes (UDP, 2013: 86). This point was corroborated by Lidia Casas (in an interview with the author), who noted that the majority of women are of lower socio-economic class and are denounced by medical staff when accessing public services (interview 9). The UDP 2013 study confirms that ‘the criminalisation of abortion most greatly affects women and poor people’ and of those women, ‘the socio-economic condition of charged women is from lower and medium low levels (UDP, 2013: 86). As one interviewee stated ‘it is horrendous that to be poor means to be sent to the butchers (UDP, 2013: 96).

⁶⁸ Dilatation and curettage (D&C) is a minor surgical procedure to remove tissue from the endometrium (lining of the womb). D&C is carried out less frequently than it used to be because less invasive alternatives, such as ultrasound scans, are often used instead.

⁶⁹ This was also mentioned in an interview with Veronica of CDD – (interview 6).

According to the Penal Code, the sentence for abortion ranges from 541 days to 5 years.⁷⁰ The criminality of abortion inevitably leads many women (who have internalised this view) to harbour feelings of guilt for their actions.⁷¹ Senator Patricio Walker (DC), in the recent Senate discussion concerning therapeutic abortion in 2012, dismissed women's decisions to abort as 'hedonistic' and 'egotistical,' arguing that their 'motivation only points to the search of one's own benefit, either through an almost unrestricted exercise of their liberty or the hedonistic satisfaction for the greatest number of individuals' (Senate discussion, 21/03/2012). Contrasted to this picture of hedonism (which runs throughout the conservative "pro-life" discourse) is the reality of Chilean women's experiences as documented in the UDP study of 100 women who had undergone a clandestine abortion voluntarily. The recurring fears of women in relation to abortion included: the fear of dying (which was stated in the majority of cases), the panic of not waking up after sedation, the fear of dying from excessive bleeding with the use of Misoprostol, the fear of not being able to have children in the future' (UDP, 2013: 96). Despite these powerful fears, women continue to abort and they do so for various reasons, including: poverty, not being part of a stable relationship, the risk of being dismissed from employment, the presence of domestic violence within a relationship, not wanting any more children, or not wanting any children at all. However, these contextual factors are not incorporated into the mainstream debate as legitimate factors that shape a woman's decision.

The hostile treatment of women in public health facilities, the penal system, clandestine abortion clinics, and by providers of black market Misoprostol has the effect of creating an atmosphere of insecurity and fear, as many women and 'pro-choice' advocates attested to. It is estimated that around 40,000 abortions occur each year in Chile. The manner in which they occur has changed drastically in the past decade due to the increased use of Misoprostol (a drug intended for use in cases of gastric ulcers). Although this drug has revolutionised the way in which women abort in Chile, it is not without drawbacks. The average price of the correct dosage (12 pills) is estimated at around \$100,000 pesos (£138)⁷², which when considered in relation to the minimum wage of \$192,000 pesos (£265) a month, highlights the economic inequality inherent in this practice. During the Bachelet government it was outlawed for sale in pharmacies (where before it was available by prescription) and is now only available on the black market. The risks involved in

⁷⁰ Articles 342-345 states the various sentences which vary in severity depending on: if the abortion has been carried out without the woman's consent, with or without violence, carried out by a doctor or by the woman herself – See *Código Penal de Chile 1874* (Accessed on 02/06/2014).

⁷¹ This point was reiterated by many feminists interviewed by the author such as Gilda Luongo of La Morada (interview 7) and also with Doctor Guillermo Galan who noted the psychological damage that the clandestine nature of abortion causes women (interview 5).

⁷² UDP Human Rights Study 2013 states testimonies of prices ranging from \$40.000 to \$120.000, p. 95.

obtaining the drug from unknown Internet sources, contacts, friends of friends are high, with many women suffering deception at the hands of unscrupulous providers, or 'mafias' (UDP, 2013: 95) as many described them. As Misoprostol is illegal, its purchase brings several insecurities; there is no confidence in the legitimacy and quality of the drug, there are many recorded cases of false pills sold to women or incorrect dosages, there is a lack of information on dosage and procedure. Further, as the use of Misoprostol is illegal many women are unaware of the severity of the bleeding that occurs; forced to suffer in silence, women fear 'bleeding to death' (UDP, 2013: 97). Statistics gathered by Línea Aborto of their callers between 2009-2011 (2853) points to a growing insecurity and fear over the purchase of Misoprostol over the internet: in 2009 - 5.0% stated this was their greatest worry, 2010 – 35% and in 2011 – 60%. Línea Aborto explains in relation to these growing anxieties that these rising figures 'could indicate that there has been a growth in fraud and this has increased the sense of insecurity' (Presentación Línea Chile 2009-2011).

This atmosphere of insecurity, criminality and fear under which women often abort, arguably has negative effects on their mental and psychological health. However, this aspect of health is not considered in the conservative discourse or the political abortion debate in general. As Veronica of CCD argues, 'only physical health is discussed, mental health is not part of [the understanding of] health. Mental health is not considered in the public health system' (interview 6). Indeed, many women have described their treatment at the hands of the state, public health system and clandestine services as torture. Recounting her experience of being denied access to therapeutic abortion when doctors informed her that her 12 week old foetus had a grave cerebral malformation incompatible with life, Karen Espíndola explained that 'it was a form of torture, a hidden torture and the State promoted the violation of my rights. They obligated me to have my child...but they completely abandoned me...For me it was torture, a trauma, obviously I have severe depression, I have been interned for attempted suicide...It was incredibly bad psychologically' (interview 10). Karen noted the strength of the "pro-life" sentiment in society and the media in response to her role in publicising her experience; she received harsh critique for her demands for the decriminalisation of therapeutic abortion,

'they called me abortionist, assassin, atheist...the only thing they did was criticise me, they told me that I was crazy, imagine, the people from Chile Unido, the same people that had called me saying that I was inducing people to abort and that if I didn't want my child I should give him to Cotoleño⁷³...the pro-life love the discourse of terror about abortion' (interview 10).

⁷³ An institution which cares for mentally and psychically disabled children.

Similar experiences have been recorded in the UDP study, wherein one interviewee recounted calling Chile Unido in order to encourage her friend who wanted to abort not to do so; Chile Unido pushed the caller to provide information about the girl, her details, the names of her parents in order to ‘put in place a protection to ensure that the girl did not abort. However, she did not provide the information as she considered their “help” as far too violent’ (UDP, 2013: 100).⁷⁴

Many have pointed to the negative effects of the conservative discourse upon the mental health of women who abort, and not in fact upon abortion itself. Juan Antonio Montes of Acción Familia argues that ‘mental health is one of the arguments of the pro-abortion movement, it is extremely elastic’ (interview 29). He adds that the interpretation of what counts as mental health would increase if abortion were to be decriminalised and further criticises the ‘pro-choice’ movement for applying ‘the emotional side’ (interview 29). Despite this criticism of the ‘pro-choice’ ‘emotional’ discourse, the conservative discourse is entirely rooted in emotive language and references, for example, appeals to defenceless foetuses and the framing of abortion as ‘homicide’ (interview 15). “Pro-life” organisations such as Chile Unido and Proyecto Esperanza offer ‘support’ to women who are emotionally ‘damaged’ (interview 13) after undergoing abortions. Ismini of ISFEM stated that ‘it is absolutely proven that post-abortion syndrome exists; anxiety, depression, guilt, substance abuse’ (interview 31). The framing of conservative opposition to abortion as ‘pro-life’ suggests that those who abort or support legal abortion are against life. When society internalises this discourse, feelings of guilt and culpability abound. Veronica of CDD explains that

‘those who feel bad feel bad not because they are bad but because the same society tells them that they are bad, it is a social responsibility, the woman is bad. Society tells you that you have to feel that way because if you’ve had an abortion you should feel bad, and if you’re ok about it then you are wrong and it isn’t normal to feel ok about it! They obligate you to feel that way’ (interview 6).

The harshest effects of these issues fall to poorer women; they do not have guaranteed access to EC, Misoprostol is expensive, and they cannot travel abroad to access legal, safe abortion services. Sandra Castaneda of Red de Salud highlighted the difference in the experience of abortion between those with and those without financial resources; ‘if I find a good doctor then I can have an abortion but if I get a bad one then I’m screwed. This punishes poorer women because they do

⁷⁴ Indeed, in an interview with the author, Veronica Hoffman of Chile Unido explained that when working with women if they ‘continue insisting that they wish to abort, we give them an ultrasound scan, we give them the opportunity to listen to the heartbeats of their child.’

not choose their doctor, they go to the public health system and they get whichever doctor attends to them...The criminalisation of abortion is basically a problem of social inequality' (interview 3). The "pro-life" discourse largely ignores the class bias in access to sexual and reproductive health care; indeed Senator Lily Perez (RN) argues that 'the few that are [in jail for abortion] are poor, yes, but you've got to understand that in light of the fact that those who end up in jail for all types of crime are poor...I don't think [abortion] has anything to do with economic factors' (interview 36).

5.8 Conclusion

We can see how the conservative position opposes comprehensive sexual education in schools, free and legal access to emergency contraception and concurrently disregards women's mental health and wellbeing; they continue to oppose sex education and EC, which many argue are amongst the answers to the high rate of abortion. How are we to understand this? Shepard argues that Catholics do not view their actions as hypocritical as they view their opposition as 'a defence of an ideal that many don't achieve' (2006: 49). Petchesky and Judd (1998) note that in repressive socio-cultural situations women develop private strategies of access to sexual and reproductive health; concurrently some may continue to maintain an outwardly anti-abortion stance whilst not viewing this as contradictory. The harshest consequences fall to the poor and marginalised women who do not have the choice to maintain expected standards of behaviour as many lack the resources to do so. Arguably, opposition to sexual education and EC is not linked to the protection of innocent foetal life; EC has been proven not to be abortive and sexual education and access to contraception is accepted as part of a comprehensive and responsible education that decreases teenage pregnancy and protects against sexually transmitted diseases.

By framing abortion in terms of the right to life (i.e. foetal rights), conservatives are implicitly and explicitly enforcing traditional gender divisions by subtly negating women's agency and displacing women's rights. The discourse is conflictual and thereby limits the scope of the debate, overlooking important contextual issues. It has the effect of linguistically polarising the debate between those who are in favour of life and those who are not. When compared to the context of the protection of innocent foetal rights, the issue of women's mental health is portrayed as selfish and individualistic. Therefore, "pro-life" opposition, I argue, should be seen as the support of a traditional gender binary and a concerted effort to displace and obscure women's rights. By exploring the ways in which the conservative "pro-life" faction impose their agenda by creating

obstacles to feminist policymaking and activism, we can begin to deconstruct the discourse highlighting elements of a traditional gender ideology; a discourse which promotes the family, motherhood, parental rights over children, and the supremacy of foetal rights over those of women.

In the following chapter, I will analyse the mechanisms by which the “pro-life” movement effectively create obstacles to informal and formal institutional change by shaping the informal institutions of gender norms and attitudes, thereby ensuring the dominance of their ideology. The purpose of this is to highlight the manner in which the dominance of the “pro-life” discourse limits the agenda in both formal and informal institutions through a regulatory gender ideology and foetal rights framing. In turn, this limits the capacity of dissenting views and shapes informal and formal responses to the abortion debate. By analysing the mechanisms used by the “pro-life” sector, we are able to assess why the feminist movement has been unable to reform the institutions that shape access to SRH. Subsequently, the purpose of this analysis will be to identify potential points for advocacy. In the empirical discussions of chapters 4 and 5, I have explored the ideology of the “pro-life” sector and the mechanisms by which these groups have managed to ensure the dominance of their discourse, effectively displacing a discussion that incorporates women’s rights. In the following chapter, I will assess the ways in which this restrictive discourse is reflected in the appeals and language used in the political projects regarding abortion, thereby arguing that the informal institutions of discourse and gender norms inform the formal response to issues of SRH.

Chapter 6 - The Political Evolution of the Abortion Debate:

Formal Institutional Responses

'Not recognising women as independent individuals with equal rights undermines the consolidation of a democracy of formally equal citizens' (Haas and Blofield, 2005: 64)

'The strategy of creating foetal rights...always undermines women's equal standing as citizens' (Roth, 2002: 2)

As illustrated in chapters 4 and 5, “pro-life” advocates have shaped much of the content of the debate surrounding SRH since the return to democracy, using a variety of mechanisms to cement a foetal rights discourse and conservative gender ideology. In this chapter, I will assess how the informal institutions of norms, attitudes and gender roles have influenced the content of the bills relating to abortion. I demonstrate that some important issues are absent from the political debate, namely a recognition of the imposition of traditional binary gender roles; economic and social inequalities; a concern for women’s mental health; and a wider focus on the rights of women as autonomous, decision-making individuals. By illustrating how the informal elements of norms, gender roles and attitudes inform and shape political bills on abortion, I aim to highlight that challenging their formation is a key entry point for advocacy in issues of SRH.

In the 1974 Constitution Commission, Jaime Guzman (founder of the UDI party) established his position regarding abortion, which arguably remains the underlying ideology behind legislation to the present day:

'the mother must have her child even if it is abnormal, even if it isn't desired, even if it is the product of rape or that to have it would result in her death...the grave consequences or the tragedy which follows from the observance of a moral law⁷⁵ can never be invoked as a reason to excuse someone from fulfilling that law. For this reason, the prohibition on abortion must be absolute, because the moral order is equally so' (Guzman, 1974).

The success of the ‘No’ plebiscite in 1989 was shortly followed by the election of the Concertación alliance in 1990, but not before therapeutic abortion was outlawed by the outgoing military government as one of its last acts in power. The Concertación alliance came to power with optimism in the potential of democratic change, anticipated profoundly by Chilean citizens who

⁷⁵My own italics – The framing of abortion as a moral issue is, as Htun describes, one of the most successful tactics of the anti-abortion faction (2003).

hoped for sweeping structural change and an end to social inequality⁷⁶ and political impunity. However, the potential for drastic change was significantly hampered by the nature of the transition itself and the formation of the newly elected Concertación alliance that strived for stability rather than radical structural reform. As highlighted in chapter 4, structural (formal) institutional obstacles inherited from the dictatorship, such as the enduring 1980 Constitution, the existence of 9 designated unelected senators, the binomial electoral system, the renewed influence of the Catholic Church in politics (and the Concertación party's perceived requirement of Church support), acted as constraints to the objectives of feminist policymakers. It is within this context that Conservative politicians, with the support of the Catholic Church and conservative interest groups, successfully framed abortion as an issue of morality, thereby creating an atmosphere of great political and social unease and silence regarding topics considered divisive (Aguayo et al, 2012; Haas, 2005). As Sergio Bitar of the Christian Democratic party explained,

‘what you have to avoid at the beginning of the transition is the accumulation of factors provoking polarisation...for us the fundamental task was the struggle to strengthen democracy...this generated a degree of national unity that was very important, including an important linkage to the Catholic church’ (cited in Htun, 2003:137).

Having created an atmosphere of taboo around the issue, conservative sectors have repeatedly exerted their opposition to any liberalisation of the law and have blocked every decriminalisation attempt made since 1991. This “pro-life” stance is in keeping with the Catholic Church's position on abortion; after the Second Vatican Council of 1968 the Church took up the banner of human rights and began to use the rights discourse to frame its moral agenda. As a result of the Church's role in opposing the dictatorship and its framing of such opposition in the language of human rights, it gained immense and lasting influence which it translated into increased moral leverage in decision making in the newly democratic country. Klaiber argues that ‘amidst all the voices competing for the attention of Latin Americans, the Catholic Church still remains as the single most influential voice regarding moral formation and social awareness’ (2009: 419).⁷⁷ During the period of military dictatorship, the Catholic Church established a branch entitled the Vicaria de Solidaridad that provided support and legal aid to individuals who opposed the dictatorship. Many

⁷⁶ Since 1987, Chile's GDP has risen from \$20 trillion pesos to \$68 trillion in 2011 – calculated at the 2003 constant. Alongside this huge increase in GDP, average income has largely remained the constant from 1987-2011 at a Gini Coefficient of 60. A. Solimano, *Concentración Económica, Heterogeneidad Productiva y Políticas Públicas en Chile*, Santiago, 2009; Central Bank of Chile; Encuesta de Caracterización Socioeconómica Nacional – Presentacion by Carlos Fortin Institute of Development Studies at Canning House (21/11/2013)

⁷⁷ This issue is constantly evolving and many feel that the Catholic Church has lost (and continues to lose) influence and legitimacy in the wake of the recent sexual abuse scandals. Father Jorge Grisales noted this in an interview with the author (interview 39).

of these actors later became key members of both the Concertación its right wing opposition (e.g. UDI and RN parties), meaning the Church had a network of influence spanning across the mainstream political spectrum.

One of the key reasons why the human rights discourse holds such purchase in Chilean society and politics is the experience of two decades of brutal military dictatorship and the widespread deprivation of civil liberties and life. It is through this lens that the tactic of framing abortion as a moral issue of the protection of ‘innocent and defenceless’ life by conservative politicians and the Catholic and Evangelical Churches must be understood. By framing the issue in terms of the protection of innocent life, the self-titled “pro-life” faction plays on the collective national memory of the violent loss of life during the dictatorship and creates an image of itself as ‘defenders of life’ and ‘defenders of Chilean-ness’, in contrast to ‘pro-choice’ advocates who are labelled anti-life, anti-patria, abortionists, even murderers.⁷⁸ The foetal rights discourse is effectively cemented by the patriarchal system of gender roles and responsibilities expected of women; the basis of foetal rights rests on the collision with rights of women – the maternal-foetal conflict. As Daniels argues, the notion that foetuses have rights

‘as a patient and a citizen separate from the pregnant woman’s, has generated a deep crisis in reproductive relations. It is a crisis that throws into question women’s rights to self-sovereignty, to work, and to due process under the law. It is a crisis which raises profound questions about the meaning of gender difference for women’s relation to state power, and one that suggests the tenuous nature of women’s hold on citizenship’ (1993: 1).

In this chapter, I will analyse the evolving nature and content of the debate in the parliamentary bills introduced both in favour of and against the decriminalisation of abortion since the return to democracy. None of the proposed bills have succeeded in becoming law, however, they closely mirror the evolution of the debate outside of formal institutional politics and highlight the ways in which informal institutions inform the content and shape of formal ones. Through an assessment of the language and implicit and explicit meanings used to frame the “pro-life” arguments we can see the rise of appeals to foetal rights and the use of a regulatory gender ideology; namely proposals to punish women through punitive measures and allowing repentance in exchange for a decreased criminal sentence. By analysing the ‘pro-choice’ bills it is clear that there is a lack of unity amongst the left concerning tactics; politicians are divided as to whether to pursue a step-by-step approach or to push for outright legal abortion. When analysing the content of the bills, I

⁷⁸ Noted by Deputy Maria Antonieta Saa in an interview with the author (interview 23).

will address the thematic areas that repeatedly arise: gender roles, foetal rights and issues of interpretation, human rights appeals, and the explicit and implicit influence of religion. The purpose is to highlight how this discourse limits the parameters of the debate by displacing women's rights. I argue that the informal norms *inform* the content of the formal responses; therefore, challenging the informal institutions should be central to feminist activism and advocacy.

In order to carry out a content analysis of the bills proposed from 1991-2012, I utilise a variety of analytical processes. In the following chronological analysis I pose key questions to ascertain to what extent the language of the bills fits into a conservative patriarchal gender ideology and to what extent feminist decriminalisation proposals attempt to, and are able to, defy this. For example, I assess the extent to which feminist proposals challenge women's responsibility for reproduction, patriarchal control of sexuality, and foetal rights. Secondly, in order to provide a deeper and more nuanced interpretation of the bills, I employ triangulation using a mixture of interview material, secondary sources and content analysis. In doing so, I aim to explore not only what the content of the bills explicitly state, but also what they covertly imply. In this section, a continuation of the trends discussed in chapter 3 is visible, notably the patriarchal control of women's bodies by the state, medical world and societal attitudes. The purpose of this analysis is to explore the informal institutions of the social organisation of sexuality and reproduction and the extent to which political bills reflect and promote or challenge them, with a view to understanding the challenges that the feminist movement and policymakers must overcome in order to successfully re-frame the abortion debate.

As Lidia Casas argues, 'neither the women's movement nor the feminist movement has had the necessary force to reposition the debate to one of bodily autonomy/rights in relation to abortion, it has instead been a discourse of 'experts' – that of health or law' (2009: 103). It is within this context that the following bills were introduced. In my analysis of them I will ask: how far do they challenge the assertions made by Jaime Guzman above? How far do they reflect and reinforce traditional gender roles and responsibilities? To what extent are the challenges effectively framed in order to counter the underlying patriarchal gender ideology? The following analyses will explore these questions and chart the evolution of appeals to human rights to frame both the "pro-life" and pro-choice positions.

Table 2 - Abortion Related Bills: 1991 - 2011⁷⁹

<u>Bill Number</u>	<u>Date</u>	<u>In Favour of decriminalisation/Against</u>	<u>Successful, Rejected, Archived, or being Processed</u>
499	17/09/1991	In Favour	Rejected
1302/1297/1298	2/08/1994	Against	Rejected/Archived/Archived
2978	20/06/2002	Against	Archived
3197	03/01/2003	In Favour	Archived
3449	14/01/2004	Against - Context	Archived
3608	14/07/2004	Against - Context	Archived
4121/4122	22/03/2006	Against	Being Processed
4307	06/07/2006	Against	Archived
4447	22/08/2006	Against	Archived
4751	19/12/2006	In Favour	Archived
4818	10/01/2007	Against - Context	Archived
4845	18/01/2007	In Favour	Archived
6420	19/03/2009	In Favour	Being Processed
6522	13/05/2009	In Favour	Rejected
6591	03/07/2009	In Favour	Rejected
6845	10/03/2010	In Favour	Archived
7373	15/12/2010	In Favour	Rejected
7391	21/12/2010	In Favour	Archived

80

⁷⁹ I use the term 'abortion related' to signify bills that both explicitly deal with abortion and implicitly seek to have an effect on abortion. This refers to bills such as those seeking to increase criminal sanctions on people carrying out or undergoing abortions, and bills seeking to erect monuments to the unborn.

⁸⁰ The above bills deal specifically with abortion, although there are several other bills around the issues of sexual and reproductive rights as a framework and also the rights of 'non-born creatures', which seek to confer various rights. Although they do not deal specifically with abortion, they clearly seek to support and or undermine either side of the pro/anti-abortion debate. They are intended to act as a framework basis upon which to further strengthen their argument; I will therefore take these into consideration as contextual bills. Liesal Haas (2005) provides a critical analysis of the attempts to frame abortion from 1991-2005 and discusses the limitations of the language used to frame these bills. However, this analysis does not

6.1 - Bill 499-01 – 17/09/1991 – In Favour - ‘Modify article 199 of the Health Code in relation to therapeutic abortion’⁸¹

*‘In the Chilean political class there is no will to legislate in relation to therapeutic abortion, there is a great quantity of prejudice, cultural and religious prejudice which impedes progress’
(Adriana Muñoz D’Albora, interview 27)*

*‘To speak of abortion in Chile is to be punished, penalised and to be categorised as an abortionist’
(Maria Antonieta Saa, interview 23)*

By assessing the proposed bills chronologically, we can clearly see strategic patterns utilised by both ‘pro-choice’ and “pro-life” advocates whereby both sides attempt to anticipate the opposing side’s strategy, thereby side-stepping the expected line of argument. This process began with bill 499-01, wherein the authors applied a pro-family discourse instead of an appeal to the ‘right to choose’; this was intended to evade the anticipated conservative criticism of the bill being anti-family. The lead author of this bill, Deputy Adriana Muñoz D’Albora, a self-proclaimed committed feminist, introduced a bill within the first term of the new Concertación government with the aim of reneging the dictatorship’s outlaw on therapeutic abortion. The bill, and its author, received widespread vitriolic criticism from both within congress and from the Catholic Church and the media. As Muñoz states ‘there was much resistance from the conservative right and the Democratic Christians who were in the Concertación (interview 27); indeed Muñoz publicly blames her failure to be re-elected to Congress in 1993 on the widespread criticism she received for authoring this bill. As Deputy Muñoz explained to me, ‘I was attacked by the candidate on my list and by religious sectors and the right, as if I was against life and the family, my position on therapeutic abortion was demonised.’⁸² Indeed, this line of attack was the default position of conservative opposition throughout the 1990s.

6.1.1 Gender Roles

consider the bills opposing decriminalisation and therefore falls short of providing the wider context within which feminist bills occurred.

⁸¹ Authors: Deputies Muñoz D’Albora (PPD), Letelier (PS), Montes (PS), Smok (PPD), Arancibia (PS) – Cross partisan bill.

⁸² Deputy Adriana Muñoz D’Albora (interview 27) - This point was reiterated in an interview carried out by the author with Deputy Maria Antonieta Saa who argued that ‘Adriana was punished in the elections’ for her introduction of bill 499-07. It is noteworthy that as Muñoz points out the bill did not reach the health commission and was instead archived in the Constitution, Legislation and Justice Commission, which highlights the way in which the issue was dealt with as a technical matter of law instead of a matter of health. This was, however, in keeping with the fact that the issue was not framed as a matter of health but instead as a pro-family issue.

The bill argued for the legalisation of therapeutic abortion through the use of appeals to traditional gender based roles. It did so by evoking the idea of a woman who is already a mother (thus fulfilling her correct role in society) and how the loss of this mother as a result of unsafe abortion would be damaging for her existing children, family and marriage. Additionally, it described the mother (and the mother only) as the transmitter of values and knowledge essential for the formulation of children. The ideological gender system which promotes the idea that mothers have sole responsibility for the raising of children is reflected in the reference to the negative effects that the loss of a mother's life has on her children: *'it is probable that the children will end up in social housing, homeless, or in the best case scenario, in the homes of others.'*⁸³ This statement entirely negates the concept of dual responsibility for parenting between men and women and is in keeping with traditional gender ideology.

However, Muñoz is aware of the gendered nature of the "pro-life" ideology and argues that the "pro-life" sector fears that the legalisation of therapeutic abortion would 'open up the sexual freedom of women' (interview 27), therefore the authors of the bill had to tread carefully. Women's sexual freedom is not in keeping with the patriarchal gender ideology pursued fervently in Chile, supported by the Churches⁸⁴ and conservative sectors of society. As Haas argues, the bill was 'carefully framed to try to address the expected opposition to the proposal' (2005: 130). The authors specifically avoided use of individual rights as a way to prevent the conservative response that such feminist demands are selfish and anti-family. However, despite attempts to circumvent this opposition, the pro-family strategy played into conservative ideology and thus allowed for strong criticism of the bill and its female author (specifically) on the basis that it was anti-family and threatened the very basis of Christian Chilean society. This raised the debate as to whether feminist policy makers ought to pander to "pro-life" ideology as a step-by-step strategy or whether they should refuse to cede territory. As we will see, this debate persists without convincing conclusions.

6.1.2 Religious Conviction

The bill stipulated that a doctor should not have the power to force their convictions upon another person; *'if a doctor feels that according to their own convictions they cannot advise or*

⁸³ All quotes taken from the bills will be italicised.

⁸⁴ I am referring to the Catholic Church and the Evangelical Churches of which there are many different strands, but I do not include in this statement the Lutheran Church that has a much more liberal gender ideology when compared to that of the aforementioned belief systems.

carry out an abortion, they may withdraw and ensure that another qualified colleague continues giving medical assistance.' The basis of this argument is found within the Oslo Declaration 1970 of the World Medical Association. The reasoning, then, was based on international consensus and not on any natural right of women to be guaranteed the freedom to medical care, conscience, autonomy etc. Instead, the focus was on the protection of medical staff whose personal convictions might have been against carrying out certain procedures based (often) on religious or personal justifications. Furthermore, continuing this line of reasoning, the bill underlined the levels of support for the legalisation of abortion among religious opinion (and in other Catholic countries), which highlights the prominent role given to the importance of religious opinion within the debate, over that of the impact on women affected by the illegality of abortion.

6.1.3 Interpretation

Finally, the bill recognised that the interpretation of the right to life in the constitution was problematic. The authors argued that the bill was in keeping with the Constitution, the juridical system and the penal code since the right to life must be read in full as ensuring 'the right to life, physical and psychological integrity.'⁸⁵ They stipulated that this was a matter of interpretation by highlighting that '*in the same breath*' the Constitution justifies killing another (via the death penalty) in cases of homicide, parricide and the 'legitimate' defence of one's own life. However, the prevailing interpretation was and continues to be that the life of the unborn is protected by the Constitution over that of the woman, which as Deputy Muñoz argues is a very 'anti-woman position' (interview 27). In this conflict of interests, the victor was and is whoever is deemed to have 'more' right to protection, in this case the foetus. One of the principal consequences of this bill was the consolidation of the taboo status that the abortion issue developed in the political world, as Muñoz highlights: 'there are many other parliamentarians now who take care because these issues aren't that widespread; there is a lot of discredit in these issues [it can harm one's reputation]' (interview 27). It was not until over ten years later that another bill attempting to decriminalise therapeutic abortion (2003 – bill 3197) was introduced (using the same language word for word) by a selection of politicians from a variety of parties; however, it was to suffer the same fate as bill 499-07.

6.2 - Bills 1302, 1297 and 1298 – 02/08/1994 – Against - 'Increase the Penalty for Abortion'⁸⁶

⁸⁵ This is the first Constitutional right.

⁸⁶ 1302 - Author: Senator Larrain Fernandez (UDI). 1297 – Authors: Deputies Cristi (UDI) and Espina. 1298 – Author: Deputy Paya (UDI)

All three of these bills sought to create a legal norm that would incentivise women to denounce those who practice abortion, to establish 'effective repentance' for those who abort, and to enable the police to initialise investigations in cases of suspected abortion without a judicial order with the intention of facilitating (increasing) the amount of prosecutions.

6.2.1 Gender Roles

Bill 1302 sought to increase the time of imprisonment for women who have abortions and to generate disincentives by increasing the consequences that the woman must evaluate at the moment of deciding whether to abort. The bill sought to make this decision more difficult for women by creating higher/more severe costs to evaluate. Further, it sought to create harsher sanctions against those who assist with an abortion, thus attempting to dissuade doctors from helping women to make the medical decision to abort. This is a multi-faceted attack seeking to punish both women who abort and those who assist in abortions. The authors of the bill argued that the current fines and prison sentences are not sufficient to dissuade women from abortion, and that a system of denunciation should therefore be established; if a woman denounced the person who helped her carry out the procedure, her sentence would be reduced. The basis of this bill was paternalistic in that it was based on the idea that women who abort have rejected their natural roles, and therefore these women deserve to be punished. In order to do so effectively, the authors utilised both criminal and moral discourses.

The bill reflects patriarchal gender roles and responsibilities in its treatment of women and in its proposed system of repentance. The author maintained that if a woman had aborted in order to protect her honour then the justifications and context would be taken into consideration when contemplating the adequate criminal sanction. The very idea of hiding a woman's honour explicitly suggests that women's sexuality was seen as a matter to be controlled by men. If a woman was willing to accept that she had acted dishonourably and to take responsibility for her dishonourable actions, the patriarchal system was willing to allow concessions. It was further paternalistic in its suggested system of repentance, whereby women would be allowed reduced sentences if they admitted their error. Despite the supposed focus on foetal rights the emphasis was placed on punishing women for promiscuity, yet if she repented, the crime against the foetus would be forgotten. This reinforces the idea that women's sexuality must be subsumed to the roles and responsibilities expected of women; that sexuality is for reproduction and not for simple

pleasure. At no point in these bills, or the discourse found in the media, was men's dishonourable conduct referred to, which highlights the responsibility placed on women for the control of sexuality and the responsibility for the negative unintended consequences of sexual relations.

6.2.2 Foetal Rights

The language used in these bills referred to the '*pregnant woman*' and did not use the word '*mother*', which only began to occur in later bills when the "pro-life" faction started framing the pregnant woman as a mother of an already formed child. Additionally, this is visible in that the foetus was referred to in these earlier bills as '*inter-uterine life*' and also '*a third person*,' which changed focus in later bills. These terms are useful to highlight here, since we can see the contrast to the language used in later bills, which is couched in terms taken from the foetal rights movement that I will later analyse (and is illustrated in chapter 4). However, we can see the roots of this attempt to invest the foetus with personhood in the way in which it was referred to as a person '*who has no possibility to defend itself*.'⁸⁷

6.3 - Bill 2978-07 – 20/06/2002 – Against - '*Modify the Penal Code for the Crime of Abortion*'⁸⁸

Since the previous bills introduced in 1994, an 8 year period of silence on the topic of abortion followed. It was not until 2002 that a group of (largely male) deputies mainly hailing from the conservative UDI party attempted once more to modify the abortion law. Bill 2978 sought to increase the prison sentences (for carrying out an abortion or assisting) and introduce fines, moving the section dealing with abortion in the Penal Code from the section entitled '*Crimes against the Family and Public Morality*' to the section entitled '*Crimes against persons*,' and further introducing paternalistic methods in which women would be able to '*repent*' for their crimes through community work to help rehabilitate their lives.

6.3.1 Gender Roles

⁸⁷ This is a direct translation from the Spanish which is discussing an action '*contra quién no tiene ninguna posibilidad de defenderse de estas acciones*.' The Spanish '*quién*' assumes a person instead of '*que*', which refers to an object; therefore this word is specifically referring to a person who has no possibility to defend themselves – the foetus.

⁸⁸ Authors: 8 Male Deputies: Alvarez Zenteno (UDI), Bauer Jouanne (UDI), Kast (UDI), Moreira (UDI), Paya (UDI), Salaberry (UDI), Uriarte (UDI), Urrutia (UDI), and 2 Female Deputies Ibanez Soto (RN) and Soto Gonzalez (PPD)

The intended increase in criminal penalties for those who carried out, underwent or assisted with abortions was central to the punitive approach pursued by conservative politicians. This tactic sought to punish and chastise women for their sinful behaviour. This can be understood in light of patriarchal attempts to control women's sexuality, by utilising castigatory measures to enforce social and cultural norms upon women's bodies. When women fell short of these expected norms, they would be punished with deprivation of liberty and financial loss. There has been a pattern of control of women's bodies (as explored in chapter 3) on behalf of the government and the medical world; since the return to democracy this control has been increasingly united with punitive measures. This castigatory culture is also reflected in the suggested addition in the bill of options for the woman to '*repent*' for her actions through community service, thereby reducing her sentence. This treats women in a didactic and paternalistic manner by allowing for a reduction in sentencing if they were 'well behaved' and acted in keeping with the roles expected of them. The bill stated that '*it is always preferable that the repentance should be carried out in institutions that have a clear identity in favour of the unborn.*' This form of punishment treated the decision women take to abort as if were a thoughtless, easy decision; the proposal to force women to carry out their '*repentance*' in institutions which were '*in favour of the unborn*' sought to create an added element of guilt in the process, thereby treating women in a cruel and inhumane manner.

6.3.2 Foetal Rights

In this bill we see the emerging use of appeals to human rights and the imbuing of the foetus with personhood. This was a significant sea change in the evolution of the abortion discourse as it marked the emergence of the modern human rights based discourse in the abortion debate in Chilean politics. This was a concerted effort on behalf of the conservative faction to strengthen the normative basis of the argument that life begins at conception, which they argued '*is beyond doubt...that the right to life begins at conception, there exists no other possible interpretation and there is nothing to interpret.*' The authors thus sought to impose their conservative and religiously motivated interpretation of the beginning of life upon others and to do so by asserting, not arguing, that this was '*beyond doubt.*'

The authors of the bill further supplemented this argument with the use of the terms '*mother*' and '*the unborn*' thereby creating a mother-child relationship where one potentially did not exist, particularly in cases where the woman was seeking an abortion. Indeed, Roth argues that

'referring to pregnant women as "mothers" before they give birth evokes the qualities of selflessness and duty associated with motherhood and suggests that pregnant women have failed to demonstrate these important qualities' (2002: 6). It can be argued that one does not become a mother on the simple basis of becoming pregnant, but rather must accept this status and the ensuing relation with a foetus. The bill's reasoning created the image of the foetus as an indefensible victim who was '*unjustly assassinated*' when aborted, which furthered the idea that the foetus was a person. Having established a defenceless victim and imbued it with personhood, the authors were then able to confer upon it the human '*right to life*' under the law. The bill supported this supposition with reference to the American Convention on Human Rights (Costa Rica Pact) of 1991, which also stated that life begins at conception. It failed, however, to make reference to any number of other human rights treaties (such as CEDAW), which sought to protect women's rights against this form of political interpretation of women's autonomy. The language used in this bill served as the primary example of appeals made to human rights in the political abortion debate in Chile, and as we shall see, was taken up in the counter attack by 'pro-choice' advocates in later bills.

6.4 - Bill 3197-11 – 03/01/2003 - In Favour – 'Modify the Health Code in relation to Therapeutic Abortion'⁸⁹

Bill 3197 was introduced 12 years after Adriana Muñoz's failed attempt in 1991 to modify the health code with the aim to legalise therapeutic abortion. Despite the 12 year gap, the same language was used word for word in the new bill. On first assessment this seems to be a strange tactic, yet Haas and Blofield argue that this was a

'conscious strategy of framing bills more moderately, often with the very discourse on women and the family employed by congressional conservatives...the Left then, in other words, employed a role based framework on women's issues to try to beat congressional conservatives at their own game' (2005: 47).

This step-by-step strategy is favoured by many 'pro-choice' advocates as the more realistic approach, as Maria Antonieta Saa explained to me:

'it is a step, if we succeed with this law then we can achieve more agreement amongst the people...strategically it is better to pass a law first which is transcribed to by all parties but

⁸⁹ Authors: 4 Female Deputies: Muñoz (PPD), Saa (PPD), Ibanez (RN), and Allende (PS) and 6 Male Deputies: Accorsi (PPD), Girardi (PPD), Longton (RN), Rossi (independent), and Jarpa (PRSD)

for only the two reasons [threat to life and foetal inviability], as a strategy of approval, without the clause for abortion in cases of rape' (interview 23).

Senator Ricardo Lagos Weber also agrees that it was an effective 'minimum approach to guarantee women certain rights, the right to health...if you can't even establish therapeutic abortion, then to think of the other (legal abortion) is wishful thinking' (interview 37). Both politicians appear to suggest that creating formal institutional change is crucial in order to create informal institutional change (civilian support), although Deputy Saa also expressed the view that in order to create formal institutional change (law), society had to achieve consensus and push for reform. This illustrates that there is interplay and exchange between the two forms of institutions, yet there is a lack of consensus on which form of institution to focus on. Additionally, I argue that the formal institutional changes proposed by the authors of this bill did not challenge the informal norms sufficiently to create structural change. A key problem with the strategy of framing issues within traditional gender roles (as seen in the earlier Muñoz bill and the bill introduced in 2002) is that 'not recognising women as independent individuals with equal rights undermines the consolidation of a democracy of formally equal citizens' (Blofield and Haas, 2005: 64). Although pursued as a short-term solution to a systemic problem, the long-term implications of couching citizenship demands in inherently unequal concepts and roles are damaging to the course of establishing a framework from which to make feminist demands. This therefore reinforces 'natural' roles for women.

6.5 (Context bill) – Bill 3449 – 14/01/2004 – Against – 'Introduce New Type of Crime in Relation to Prenatal diagnostics'⁹⁰

6.5.1 Foetal Rights

The authors of this bill contended, as with previous bills, that the area of the penal code that dealt with abortion should be addressed under the section concerning 'crimes against the person' instead of where it was addressed ('crimes against the family and morality'). They argued this on the basis that '*abortion is an attack against the life of the product of conception...this option is further reinforced when one considers that our Constitution begins this chapter by referring to the guarantees and constitutional rights which protect "he who is to be born" conjointly with the life and physical integrity of persons.*' The purpose of supporting this repositioning of abortion in criminal law to that concerning the rights of persons was to strengthen the foetal rights discourse.

⁹⁰ Authors: P Walker (DC) and N Monckeberg (RN)

By constantly referring to the unborn foetus as a person, the “pro-life” faction instilled the foetus with full personhood and the consequent rights that this entailed.

Having created this context in which the foetus had personhood, the authors of the bill continued to use this reasoning as grounds from which to argue for the criminalisation of prenatal diagnostics (ultra-sound scans), which are used to ‘*carry out examinations in the uterus to detect in the embryo or foetus an especially grave illness*’ and which could therefore be seen to encourage some pregnant women to abort. Many have linked the growing prevalence of the foetal rights rhetoric to the scientific and technological advances made in the field of sexual and reproductive health. Daniels argues that ‘the construction of foetal rights was deeply related to the development of scientific and cultural images of the foetus’ with the introduction of technologies such as ultrasound and intra-uterine photography, and the treatment of premature babies. These developments ‘made the foetus more visible, and made less significant the perceived difference between the “unborn” and the “born” child’ (1993: 16). This rhetorical blurring of the lines between the unborn and the born child has caused increased reference to the foetus as a second patient, an independent recipient of healthcare. Daniels adds that scientific advances have

‘made it possible to separate the fertilised egg from the woman, and the foetus from the pregnant body...A powerful anti-abortion movement presented visual images of the foetus as a fully formed “preborn baby,” a free-floating being temporarily housed in the womb, but with interests and needs of its own’ (1993: 1).

Barbara Duden (1993) further argues that foetal rights have ‘disembodied’ fetuses from the pregnant woman in public discourse and in visual culture, which we can see in the appropriation of the foetal symbol on “pro-life” organisations. Anecdotally, when interviewing “pro-life” Catholic Priest Father Francisco Javier, I was given a plastic doll of a foetus to represent the size and development of a foetus at 12 weeks. This plastic doll is regularly held up at senate debates and “pro-life” marches in order to humanise the foetus and create what Daniels refers to as the ‘tiniest citizen’ (1993: 3).⁹¹

6.5.2 Religion

Senator Patricio Walker (one of the lead authors of this bill) explained his reasoning behind this bill to me, stating that,

⁹¹ A similar fully formed foetal doll can be seen in an article in the clinic – (The Clinic, 19/06/2014).

‘there is life from the moment of conception and there is a human being, a potential life, this foetus has rights, intrinsic rights which must be respected equal to those of a person who is already alive...a woman has all of the human rights in the world but these rights terminate when there is another equal to her, in this case an independent human being’ (interview 28).

When asked whether this was a religious conviction he argued that his position was based on personal conviction and also on the Human Rights Pact of San Jose Costa Rica, and not at all on ‘religious conviction’ and further that it was ‘not a religious issue but an issue of the common good’ (interview 28). Article 3 of the Christian Democrat manifesto (the party to which Patricio Walker belongs) states that the ideology of the party is ‘inspired by the doctrine of human Christianity, which affirms the dignity of all people, and which obligates respect for life from the start until death’ (PDC manifesto).

The explanation of personal conviction as separate from religious conviction and doctrine is a recurring theme amongst “pro-life” advocates, within both political and wider debates, despite the fact that abortion is often referred to as a ‘value/moral issue’ (along with issues such as homosexual marriage, divorce and euthanasia). Senator Lily Pérez argues that the Catholic Church has an important influence in Chile, ‘but more than anything, the personal values of legislators are more important, their own values and principles’ (interview 36). However, the current position of the UDI and RN parties (and many politicians of the DC) is in keeping with the position of the Catholic Church. Senator Francisco Chahuán maintains that ‘indirect abortion does not seek pain; therefore it is allowed in Chile’ (interview 25). When questioned as to whether this was based on religious conviction, Senator Chahuán replied ‘it is my position, it is not based on a religious perspective...I base my opinion from a liberal point of view...my position is progressive’ (interview 25).

6.6 - (Context) Bill 3608 – 14/07/2004 - Against – Erect Monuments in Memory of Abortion⁹² and Bill 4818 – 10/01/2007 – Against – Erect Monuments to the Innocent Victims of Abortion⁹³

6.6.1 Interpretation

⁹² Authors - All members of the UDI party: Cubillos Sigall, Díaz Del Río, Dittborn Cordúa, Forni Lobos, Hernández Hernández, Leay Morán, Molina Sanhueza, Moreira Barros, Salaberry Soto, Uriarte Herrera. Of the 10 deputies who signed this bill, 9 are male and one female

⁹³ Authors: RN deputies Chahuán Chahuán and Sepúlveda Hermosilla

Both bills (introduced three years apart) sought to erect monuments in the three largest cities in memory of the unborn, to be financed by public funds.⁹⁴ The authors of bill 3608 claimed that the political authorities had a moral duty to defend the *'most fundamental rights that emanate from human nature, that being the first and most important right – the right to life.'* As we saw previously, the issue was again purposefully constructed as a moral issue linked to the protection of human nature (Htun, 2003). This is a tactic often employed by the “pro-life” faction: by linking abortion to morality and human nature it attempts to close off the debate. We further see this attempt to limit the debate in the use of phrases claiming that the “pro-life” position and their claims were factual, and thus beyond doubt. For example, the reiteration of the phrase *'life begins from the moment of fertilisation/conception'* in the majority of “pro-life” bills is an attempt to instil this interpretation of when life starts as a fact that is beyond doubt. The authors of these bills do not provide any factual evidence for this claim but merely continuously state it as if it were evident and beyond question.

Indeed, in bill 4818 we see this further cemented by phrases claiming that there was *'no doubt'* as to the validity of this position. Bill 2978 (discussed above) went as far to claim that *'today there is no doubt, neither scientific nor legal, that life begins at conception...there exists no other possible interpretation and there is nothing there to interpret.'* Bill 4818 stated that the foetus had personhood that was protected by article 55 of the Civil Code, which holds that *'persons are all individuals of the human species, regardless of age, sex, race or condition'*. By continually stating that the issues were *'beyond discussion'* the authors of the bill sought to close the debate. They stated (in bill 4818) that *'the inherent drama of abortion is a matter beyond/without discussion.'* However, by placing the drama of abortion beyond discussion, the authors silenced the wider issues of mental health and economic inequalities that require discussion; it is arguably undemocratic to claim that there are issues that should not be discussed.

6.6.2 Foetal Rights/Gender Roles

The authors of bill 3608 further made clear the idea that this bill was intended to *'publicly reinforce the conviction that the majority of Chileans have that abortion is a detestable crime,'* despite providing no figures to support this claim. They argued that *'abortion produces terrible and undeniable consequences for the mother and also for the family unit, for the children in the future that could come.'* Throughout the preamble they referred to the woman as *'mother'* and

⁹⁴ The commission in charge of the bill consist of mayors, senators, deputies and architects. In bill 4818 introduced in 2007 the commission has representatives from the 2 main religions.

the foetus as 'child' and 'little girl/boy,' in order to enforce the woman-foetus/mother-child binary conflict, which their assertions rested on. Bill 4818 further cemented the personhood of the foetus by referring to it as a 'defenceless human being that already has hope...and deserves respect and protection,' from the 'aggressor'. The reference to the pregnant woman as an aggressor first appeared in bill 4818 (introduced in 2007) and was a notable development in the growing polemic of the "pro-life" discourse. The authors linked the defence of the innocent foetus to the Silent Scream film,⁹⁵ which imparted human qualities on the foetus and attempted to establish the foetus as an independent human being; 'an innocent human being which screams in silence in defence of its own existence.'⁹⁶ As Daniels argues, the foetus was 'portrayed by the foetal rights movement as the tiniest citizen, the foetus is depicted as an independent being with needs, interests, and rights separate from and often opposed to the pregnant woman's' (1993: 3). This is in keeping with the argument that the notion of foetal rights is dependent on the creation of the maternal-foetal conflict. This conflict creates a tension of interests, a competition, that 'differs radically from the initial legal recognition of the foetus in that they view the foetus as an entity independent from the pregnant woman with interests that are potentially hostile to hers' (1986: 599). The underlying intention of bill 4818 was to guilt and shame women who have undergone, or even who might contemplate, abortion.

6.7 - Bill 4121/122 – 02/02/2006 – Against – Constitutional Reform to Raise the Quorum Required to Decriminalise Abortion,⁹⁷ Bill 4307 – 06/06/2006 - Typify the Crime of Injury to a Human in Gestation⁹⁸ and Bill 4447 – 22/08/2006 – Modify Penal and Health Codes with the Aim to Clarify Punishable Conduct in relation to Abortion⁹⁹

Bill 4121 sought to silence the debate as far as legislation would allow by raising the required quorum to a 3/5 majority of deputies and senators in order to amend the constitution in relation to the crime of abortion. This was an attempt to close off the debate and enforce the values of the conservative "pro-life" faction on others. This was aided by the electoral system that is still in place, which over-represents right-wing parties in political power; therefore raising the quorum

⁹⁵ A film released in 1984 that claimed to show an ultrasound video of a foetus screaming in defence of its life when being aborted.

⁹⁶ This is a quote/description from the above film.

⁹⁷ Authors: Barros Montero, Forni Lobos, Hernández Hernández, Lobos Krause, Nogueira Fernández, Norambuena Farías, Salaberry Soto, Turre Figueroa, Ward Edwards – All UDI party deputies – 7 males and 2 females.

⁹⁸ Authors: Deputies N Monckeberg (RN), and 3 depts from DC party: Burgos, Antonio Nunez and Patricio Walker.

⁹⁹ Authors: RN deputies Chahuán Chahuán and Sepúlveda Hermosilla.

required would not have been proportionately representative of Chilean society. As senator Guido Girardi (PPD) explained,

‘those who are against abortion consider their values as superior to the values of others...in the name of superior values, all others are inferior, thus there is a sector of society that is ready to negate others...for me the anti-reproductive rights attitude is an authoritarian attitude, almost neo-fascist’ (interview 26).

The basis of both bills (and the appeals used throughout) was the protection of the right to life ‘*of he who is to be born*’; again the authors represented themselves as the protectors of innocent life and applied the emotive discourse of human rights. As senator Girardi contends, the conservative appeal to human rights is a poorly veiled abuse of the discourse since by their very nature “pro-life” advocates negate the rights of others;

‘those that have a vision of superior values, those who killed during the dictatorship or supported the dictatorship, it was because given my superior values I can kill another, torture another, given my superior values, the only valid ones, I can negate the rights of others. There is an appeal to a conception of superiority of a certain hierarchy of some men over others’ (interview 26).

The prioritising of the ‘rights of the unborn’ over those of the woman is a recurring theme in the “pro-life” bills and wider discourse, as we shall continue to see in later bills.

Bill 4307 attempted to establish a set of criminal sanctions in the case of malicious injury to a foetus, and bill 4447 sought to clarify punishable conduct in relation to abortion; they were both clear examples of the “pro-life” endeavour to establish foetal personhood by seeking to endow it with the same rights and legal protections as independent rights bearing citizens. The authors talked of the need to protect the ‘*physical and psychological integrity and health*’ (bill 4307) of the vulnerable and ‘*defenceless*’ foetus (bill 4447). Notably, throughout both of the bills’ preambles the language used to refer to the pregnant woman was ‘*mother*’ and ‘*pregnant mother*,’ which, as Roth argues, is central to the concept of foetal rights. Roth further argues that the concept of foetal rights as a discourse and accepted concept ‘gains legitimacy and hold over public consciousness through constant repetition in scholarly journals, popular media and public discourse’ (2002: 6), which can be clearly seen in the increasing amount of appeals made to foetal rights and the “pro-life” faction’s repetition of the terms ‘mother’ and ‘child’ when referring to the pregnant woman and foetus.

The authors of bill 4447 argued that therapeutic abortion denied the personhood of the '*unborn*' and as a consequence '*subordinates the right to life and physical integrity of the foetus to those of the mother.*' As Roth contends, the foetal rights paradigm requires the maternal-foetal conflict for its legitimation and is based on two central assumptions: 'that all pregnant women are already mothers and secondly that they are bad mothers because if they were good mothers then they wouldn't be in conflict with their foetuses (2002: 6).' "Pro-life" advocates apply the terminology of mother and child, thereby enforcing motherhood upon women often in situations in which women do not want to, or are not in the position to, accept motherhood. For example, in situations of pregnancy due to rape, foetal inviability, economic instability, incest etc., these are often the circumstances in which women reject the status of motherhood. Furthermore, by creating a maternal-foetal conflict, "pro-life" supporters construct a hierarchy of rights with those of the foetus deemed more important than those of the woman. As author of bill 4447 Senator Francisco Chahuán Chahuán argued, 'when the right to life enters in collision with the reproductive rights of the woman, of course the more important right is the right to life' (interview 25). This position undermines the status of women as equal citizens able to make choices concerning their own life trajectory and turns them instead into recipients of paternal decision-making.

6.8 - Bill 4751 – In Favour – 19/12/2006 - Modify the Penal Code and Health Code to Legalise Therapeutic Abortion¹⁰⁰

6.8.1 Human Rights

This bill was centred on appeals to human rights and made the explicit link between reproductive rights and human rights; the opening sentence stated that '*sexual health is intimately bound up in/interwoven in human rights.*' It further argued that scientific advances have allowed for the focus to be repositioned towards women's reproductive rights and have established women's autonomy in matters of sexuality and reproduction. The author of the bill stated that it was thanks to these advances that the issue had become a matter of discussion for public policy, where previously it had remained unaddressed. To support this position, the author listed the human rights treaties to which Chile was and is a signatory, outlining that these treaties '*reinforce and confirm the free choice, sovereignty and autonomy of women over her reproductive rights.*' This was the first bill that used human rights as its normative framework and it can be seen as a

¹⁰⁰ Author: Senator Avila Contreras (PRSD)

response to the growing foetal rights discourse applied by the “pro-life” bloc as an attempt to reclaim human rights in their wider intended contextual sense. The author referred to pregnant women as ‘women’ and not as mothers. The bill referred only once to the foetus, using the term ‘*the product of conception,*’ imparting no personality, characteristics or personhood on this figure. By making no reference at all to the foetus and reiterating the international scientific and political consensus on a woman’s right to choose, the author attempted to circumvent the emotional basis of the “pro-life” argument and to place reproductive rights on equal terms with all other human rights (such as the right to life), thereby implying that there existed no hierarchy of rights as the “pro-life” sector had stated.

Additionally, the author of the bill also argued that the current definition of therapeutic abortion provided no room for understanding the context within which women abort. Senator Ricardo Lagos Weber argued in an interview that the focus on human rights that ‘covers the discussion’, and the conflictual nature of the rights of mother v foetus in the debate, are restrictive and fail to tackle the wider contextual issues (interview 37). He further contended that part of the problem is that of interpretation; when rights collide in certain cases some choose the rights of the unborn: ‘I understand human rights to be for people and not for those who are to be born’ (Ibid.).

6.9 - Seven Bills in Favour of Legalising Therapeutic Abortion: 4845 (2007), 6420 (2009), 6522 (2009), 6591 (2009), 6845 (2010), 7391 (2010), 7393 (2010)¹⁰¹

6.9.1 How Has the ‘Pro-Choice’ Debate Developed? What Lessons Have Been Learnt?

Over the space of four years (2007-2010) seven new bills were introduced that sought to decriminalise and liberalise the laws that regulate therapeutic abortion. In response to the growth of appeals made to foetal rights by “pro-life” politicians, ‘pro-choice’ advocates embraced the human rights discourse as a strategic framework from which to agitate for reform. In order to combat the restrictive nature of the current discussion, ‘pro-choice’ advocates sought to widen the debate by highlighting the lack of recognition of economic and social inequality and the ways in which this affects women’s differential access to SRH. ‘Pro-choice’ politicians also criticised the

¹⁰¹ 4845 – Authors: Girardi, Alinco and Ominami (18/01/2007), 6420 – Authors: De Urresti Longton, Escobar Rufatt, Espinosa Monardes, Farías Ponce, Tucapel Jiménez Fuentes, Monsalve Benavides, Núñez Lozano, Quintana Leal, Rossi Ciocca, Sule Fernández (19/03/2009), 6522 – Author: Escalona Medina (13/05/2009), 6591 – Authors: Girardi and Ominami (03/07/2009), 6845 – Authors: Girardi and Ominami (10/03/2010), 7391 – Authors: Girardi Lavín, Lagos Weber, Quintana Leal, Tuma Zedán (21/10/2010), 7393 – Authors Matthei and Rossi (15/12/2010).

influence of what they argued to be religiously motivated morality. These seven bills represented a maturation of the 'pro-choice' debate towards a more critical intersectional gender perspective.

The authors of bills 4845 and 6522 highlighted the political interpretation of the right to life stemming from the "pro-life" endowment of personhood on the foetus, referring to this as the '*constitutional nomenclature*.' Bill 6522 highlighted the emotional link between the violence of the dictatorship and the use of appeals to human rights in the abortion debate, noting the gravity and power that this framework has in Chilean society. Bill 4845 argued that the discussion was '*dogmatic*' in its application of the terms '*dependent life*' and '*the life to be born*' and that the interpretation of these terms by "pro-life" advocates was contrary to their intended meanings. They criticised specifically the use of appeals to the right to life, arguing that the "pro-life" faction '*have pretended to defend the criminalisation of abortion by framing it as against the right to life*' (4845). Bill 6522 highlighted that the American Convention of Human Rights art 4.1 states that '*all persons have the right to have their lives respected. This right will be protected by law...from the moment of conception*.' However, the author went on to argue that this article must be seen as complementary to all other Human Rights articles to which Chile was, and is, a signatory; therefore women's right to a life free from violence should ensure that they would not be forced to continue with pregnancies that would place their life in danger.

The authors clearly highlighted that the use of human rights language in this debate has been based on a political interpretation of what (and whom) human rights discourse applies to; they underlined the fact that the Chilean state has been reprimanded by the CEDAW committee (CEDAW observations, 19/10/2012) for its continued penalisation of abortion, noting that this contradicts women's right to life. Bill 4845 stated that the Chilean government had been reprimanded for its maintenance of legislation prohibiting abortion, arguing that '*this is because an absolute prohibition seeks, precisely, against the independent right to life of a woman, who in certain circumstances, may be exposed to a risk of death if she gives birth to the product of gestation*.' The authors criticised the politics of interpretation of the right to life further through a discussion of the legislative history of abortion in Chile. They argued that during the Ortuzar commission (where the law was drafted), the article regarding the right to life was intended to stand alone; the following sentence which stated that the 'law protects the life of he who is to be born' is intended to '*allow elasticity for the legislator, so that in certain cases, like for example, therapeutic abortion, they may not consider this to constitute a crime*.' Bill 6420 also highlighted

the interpretivist nature of the right to life in “pro-life” discourse, arguing that *‘the constitution assures to all persons: the right to life and physical and psychological integrity of the person.’*

‘Pro-choice’ advocates began to utilise the established (nationally and internationally) human rights discourse to widen the debate to include pertinent issues that had been overlooked by the limited debate of conflictual maternal/foetal rights. They expanded the debate applying the same framework and sought to include the wider contextual issues in the abortion debate. They highlighted issues of economic inequality, religious influence and the restrictive conflictual nature of the debate. They did so by invoking the very language that “pro-life” politicians used, arguing for an expansion of women’s rights through a wider application of human rights in place of the “pro-life” hierarchical (or conflictual) interpretation. Further, the authors of bill 6522 argued that human rights are assigned to people at birth; they do not belong to the unborn. However, this bill had a limited objective in seeking the legalisation only of therapeutic abortion.

Bills 6591 and 6845 expanded on earlier attempts to decriminalise therapeutic abortion, and further, to legalise abortion altogether. Bills 6845, 6591, and 6522 criticised the lack of context in the debate, arguing that the contemporary discourse (foetal right to life) limited the debate, obscuring women’s rights. None of the bills referred to the ‘right to life’, but instead argued that *‘from a legal point of view, the right of women to control their bodies is the basis of the argument in favour of the legalisation of abortion’* (6845). The authors framed their arguments so as to circumvent the dominant foetal rights debate and instead widen the parameters of the interpretation of human rights. They did so by illustrating the importance of the right to physical and psychological integrity, the freedom of conscience, women’s right to choose, the right to health as an issue of public policy, and the right to opinion and the free discussion of ideas. In bill 6845 the authors highlighted the ways in which economic inequalities shape differently situated women’s access to abortion. This recognition illustrates an evolution towards a discourse that applies an intersectional gender perspective (unlike earlier bills). These bills also used bolder terms than previous ones to frame their demands, seeking to remove space for interpretation by stating that *‘reproductive freedom implies the right of women to abort.’* The central argument of Bill 6845 focused on the need to confront the reality of the situation in Chile and place the debate within this context. As such, several of the bills (6522/6591/6845/7391) criticised the influence of religiously motivated perspectives enforced at the expense of other views as well as the attempt of conservative sectors to enforce an idealised hypothetical vision of society, refusing to confront the social and economic reality of abortion.

6.10 Conclusion

Blofield and Haas, in their analysis of 38 gender related¹⁰² bills, highlighted that those that were most successful were bills that did not seek to challenge established gender roles or require economic redistribution (2005). Furthermore, they noted that all advances made in terms of women's rights up until 2002 were achieved through reference to pro-family discourse. The analysis in this chapter builds upon this earlier work by exploring the changes in discourse in relation to the abortion debate from 1991-2012¹⁰³ and charts how the framework has changed. Further, I argue that the language in the proposed bills has been ineffective in articulating and ensuring demands for women's equal citizenship and also in challenging "pro-life" claims. This language also reinforces the traditional gender roles and responsibilities expected of women. Although this has changed (to a large extent) in the discourse of the 'pro-choice' faction, the "pro-life" faction maintains and re-iterates women's primary and natural responsibility for motherhood. This is further cemented in the representation of women's bodies as passive recipients, both in terms of pregnancy (as a vessel) and the legal and political processes concerning abortion law.

Also notable is the almost complete lack of reference to male responsibility for reproductive matters. We see enforced motherhood in a context of honour and shame, a reinforcement of the concept of natural motherhood; abortion therefore becomes the ultimate rejection of women's purpose, a shameful act. The use of the term 'mother' when referring to a pregnant woman is corroborated with the attribution of personhood to embryos: a woman carrying an embryo becomes a 'mother' regardless of whether her pregnancy was intended or desired. The concept and image of a mother murdering her child is far more violent than the idea of a pregnant woman eliminating unwanted cells from her body. The use of the word 'mother' is especially potent when used to refer to women who have become pregnant due to rape; the notion that motherhood is essential and natural to women reflects the position of conservative politicians.

Through an analysis of the formal political evolution of the abortion debate, we can see how appeals to foetal rights and the persistence of a traditional gender ideology have limited the

¹⁰² The term 'gender related' signifies bills that deal with challenging traditional gender roles and norms. For example, bills which addressed family violence, pregnant students, child support, divorce and therapeutic abortion.

¹⁰³ The proposals made in 2011 were discussed in the Senate in 2012.

scope of the debate. The analysis of “pro-life” discourse illustrates how the informal institutions of gender norms and attitudes have shaped the content of the formal institutional responses; these institutions have mirrored and cemented the discourse of each other. ‘Pro-choice’ politicians have begun to challenge the gender ideology that underpins “pro-life” right-wing discourse and have questioned the legitimacy of the foetal rights discourse. Although these developments in the content of the debate of ‘pro-choice’ policy makers are important, abortion remains illegal. The ‘pro-choice’ discourse must engage a wider audience in order to successfully destabilise the dominance of the “pro-life” discourse in civilian society and politics. Daniela Lopez and Maria Constanza Riffo of Miles Chile argue that,

‘in order to advance towards a modern and fully democratic State, one of the priorities must be the recognition of the fundamental rights without exceptions. In this State, one cannot impose maternity upon girls and women as the ultimate aim/end. This is essential if we speak of equality, rights, justice, democracy and sovereignty’ (El Mostrador, 04/02/2014).

In the following chapter, I will assess the impact of the political under-representation of women and how economic, social and political divisions between women affect the nature of the debate. I will examine attempts by feminists to challenge the conservative hegemony in shaping the discourse that frames the SRH debate. Furthermore, I will analyse the use of innovative and modern tactics intended to circumvent traditional obstacles to feminist activism. These dynamic tactics seek to destabilise and deconstruct the conservative ideology; I will analyse the implications of these findings for the future of the ‘pro-choice’ movement in Chile.

Chapter 7 – The Great Divide: Beyond Foetal v Maternal Rights

'You always have to have an offensive strategy to create change'
(Rebecca Gomperts)¹⁰⁴

In chapters 4, 5 and 6 I have analysed the ways in which the “pro-life” sector has framed the reproductive rights discourse in a limited and polarising manner, thereby displacing a focus on women’s gender oppression, individual rights and class inequality. In this chapter, I will analyse why the transformation of the informal institutions of discourse and norms are crucial to the future of reproductive rights reform, in addition to assessing the current state of the feminist movement in Chile acting to engender this change. I argue that the economic divisions among women have acted as a constraint to a unified female support of reproductive rights, and have instead divided women over what is arguably at base an issue of gender inequality. I will explore the measures that are being proposed to alter this division between women; are gender quotas sufficient to ensure the representation of the diverse interests of women? I argue that one of the main keys to the success of the ‘pro-choice’ movement is the building of cross-class alliances, without which poorer and indigenous women will continue to suffer the adverse consequences in silence. I will assess whether formal, structural reforms alone alter this situation by applying Feminist Institutional (FI) theory.

Informal institutions are often overlooked in analyses of institutions as they are seen as far more difficult to measure. However, I argue that they are of crucial importance to any assessment of sexual and reproductive health issues as the underlying gender ideology shapes (and currently limits) formal institutional outcomes. Siavelis highlights the ways in which Chile’s formal institutions should (and sometimes do) act as barriers to progressive democracy and decision making. However, he argues that this is not always the case and there has been successful legislation despite lacking majorities in Congress, and there has been wide ranging consensus on several issues. Nonetheless, he warns that in order to fully understand these outcomes ‘formal institutional analysis sheds little light on the reasons for this success...Part of the solution to the puzzle lies in understanding informal institutions’ (2006: 34). Siavelis’ analysis of informal

¹⁰⁴ Rebecca Gomperts founded the non-profit organisation entitled ‘Women on Waves’ (WoW) in 1999, an organisation that provides abortions in international waters to women living in countries in which abortion is illegal. Women on Waves later founded several Abortion Helplines that provide women with information on how to abort with Misoprostol. The helpline that was established by WoW in Chile, Linea Aborto Chile, was interviewed for this research. This quote is taken from a film entitled ‘The Vessel’ that was made about the work of Women on Waves and the various abortion helplines. A link to the trailer can be found in the bibliography.

institutions is intended to understand why and how otherwise 'awkward' formal institutions are able to function relatively well through accommodating informal institutions.

My analysis discusses both the impact of informal institutions on formal ones and the role of informal institutions independently. For example, what impact can challenging gender norms, attitudes, and roles have on society; and secondly, how in turn could this impact upon formal institutions such as laws? We saw in previous chapters how "pro-life" advocates seek to influence informal institutional factors; in this chapter I will explore how 'pro-choice' activists seek to do the same. To fill gaps in existing literature I focus specifically on informal institutions, asking how they change and why this change is as important as changes in formal institutions. I will assess changes to both institutional spheres, suggesting that while the formal structural constraints remain, informal institutions (discourse and gender norms) must be reformed if gender positive change is to be achieved. This chapter will analyse how the radical feminist movements in Chile are attempting to change gender norms and subsequently the SRH discourse. I will draw on the analysis in chapters 4, 5 and 6 wherein I have highlighted the importance of deconstructing the gendered "pro-life" ideology, and assess the concurrent application of innovative emerging tactics used by the radical feminist sector; the purpose of which is to challenge and destabilise the 'right to life' discourse and circumvent traditional obstacles to activism. I will further explore why the traditional Chilean women's movement¹⁰⁵ has been unable to enact change. I argue that aside from structural obstacles, one of the central reasons is the lack of focus on the intersecting economic interests of women (and the division this causes) and the ways in which this division has obscured the gendered nature of abortion and sexual and reproductive rights.

The answer suggested to the question of how to challenge the "pro-life" discourse is twofold; firstly, deconstruct and bring to light the highly gendered ideology of the "pro-life" rhetoric; secondly, apply innovative tactics that can directly subvert this discourse and circumvent traditional obstacles (such as conservative media control, the influence of the Catholic Church and the arguably undemocratic electoral system). Although it is too early to measure the success of these tactics conclusively since ICTs are a recent addition to the movement scene, an interesting area for future analysis will be how these tactics affect the gender norms and the implementation of gender positive projects once the structural reforms proposed by the *Nueva Mayoría* take place.

¹⁰⁵ By 'traditional' I am referring to the non-radical sectors of the movement, such as NGOs and organisations that largely evolved from the dictatorship and post-dictatorship era movement.

The chapter will conclude with an analysis of the formal, structural reforms proposed by the current government *La Nueva Mayoría*¹⁰⁶ under Michelle Bachelet.¹⁰⁷ The literature on the traditional Chilean women's movement since the return to democracy has largely argued that the formal, structural constraints such as the persistence of the 1980 constitution, the binominal electoral system, the search for political consensus and the lack of gender quotas have been among the greatest obstacles to the decriminalisation of abortion (Franceschet, 2005; Valenzuela, 1998). However, any analysis that fails to incorporate an assessment of both the informal and formal institutional changes will be only partial. Subsequently, we will look to the future; if the structural reforms proposed by the Bachelet government are successful and therapeutic abortion is decriminalised, will the persistent gender norms (the lack of informal institutional change) continue to act as an obstacle to the implementation of reproductive rights (as witnessed in the case of emergency contraception)? FI theory holds that analyses of both formal and informal institutions are important, thus our analysis is incomplete without considering the impact of both forms of institution.

As noted above, the suggested tactics for creating informal change are twofold; firstly, the focus of this section is to further the deconstruction of the gendered ideology of the "pro-life" rhetoric by highlighting that this rhetoric obscures division amongst women. Secondly, later in this chapter I will assess the measures that are being proposed to alter this division between women and assess whether gender quotas are sufficient to ensure the representation of the diverse interests of women.

7.1 Beyond the Rhetoric of Human Rights – Is Female Solidarity Possible?

There exist huge levels of economic disparity amongst women in Chile and this greatly affects how differently situated women experience SRH. This economic division obscures the underlying basis of the illegality of abortion; I argue that sexual and reproductive health is a gender issue and that although intersecting interests and identities shape one's experience, the underlying ideology which bars access to abortion and wider reproductive rights is a binary conservative gender

¹⁰⁶ The 'New Majority' (*Nueva Mayoría*) is a newly formed alliance (or coalition) created on 30th April 2013 which brought together parties of the centre, centre-left, and left. On 11th March 2014 the New Majority became the ruling party under the Presidency of Michelle Bachelet. Those involved have stated that the introduction of the 'New Majority' Party marks the end of the Concertación Party - See CNN Chile (08/12/2014).

¹⁰⁷ Who at the time of writing (16/07/2014) had recently completed her first 100 days of her second term as President.

ideology, therefore 'pro-choice' advocates must concentrate on building cross-class alliances. This regulatory, conservative gender ideology places women in the position of central caregivers; women are socially constructed to be 'naturally' responsible for reproduction and ultimately designed and destined for motherhood. Chapters 4 and 5 highlighted the underlying gender norms and ideologies behind the pro-foetal rights discourse of the "pro-life" sector. The appeals made are for the innocent life of the foetus, yet when questioned further we clearly see an ideological position that places women always in relation to the family, and those who choose to abort as flippant, morally lax and selfishly rejecting the natural roles of women. When applying a gendered analysis to the ideology behind the façade of foetal rights, we see an aggressive "pro-life" perspective that explicitly and implicitly paints women as bound to motherhood and exalts pregnancy as a gift from God. With the gendered nature of the "pro-life" discourse in mind, it is crucial to analyse why more women have not protested against such restrictive laws controlling their bodies.

Although these issues are undoubtedly obstacles to the entry of more women into politics, the important question is whether increasing the amount of women in politics would make a difference to the content and volume of gender equity laws. The issues that were discussed at a Congress workshop held by Deputy Saa in 2012 (discussed in chapter 3) assume an economic level playing field of women; the discussion did not focus on how to increase the representation of a more diverse range of women from poorer and non-white backgrounds. Therefore, would the presence of more women politicians in parliament equal greater gender equity for all women? I argue that gender quotas alone are an insufficient answer to the lack of gender diversity in politics; simply increasing the number of women does not necessarily entail egalitarian gender politics, or ensure that everyone who fits under the category 'woman' is represented. And would this lead to feminist-centred laws such as legal abortion?

There is a long established debate on the role of gender quotas in the gender and Latin America literature and in feminist literature more widely (Dahlerup, Franceschet, Krook and Piscopo, 2012; Htun and Jones, 2002; Macaulay, 2006; Murray, 2012). Htun and Jones argue that,

'quota laws have been only mildly effective in increasing women's presence in legislatures. Many of Latin America's electoral systems make it hard to apply a women's quota, and political parties tend to comply with quotas in a minimalist manner...quotas have produced small and uneven gains in women's leadership because of a failure to reform the institutions necessary to make quotas work' (2002: 32-33).

We cannot directly draw the same conclusion about the example of Chile since currently no national quota law exists; instead there are voluntary internal party quotas.¹⁰⁸ In 2007, Michelle Bachelet attempted to change this by introducing a project known as the Quota Law (bill 5553-06). The project sought to establish by law that neither gender would make up more than 70% of the internal positions of the political parties, of the municipal and parliamentary election candidates, or of the of party candidate lists. However, the project was unsuccessful.

Adriana Muñoz D'Albora highlights the friction of representation when discussing her agenda in the post-transition period: '[I promoted] 12 bills that came from the women's movement. I had it very clear...I have not proposed any bills [on these issues] because I don't have a clear idea what is important for women today...I know that the question I have to ask myself is, for which group of women do I want to legislate? The *temporas*¹⁰⁹ or middle-class women?' (Cited in Franceschet 2005: 103). Therefore our analyses must look past number counting and towards a deeper exploration of the ways in which both formal and informal institutions act as barriers to change, in addition to the ways that they provide entry points for advocacy. Angela Erpel Jara of Linea Aborto Chile highlights the lack of feminist female representation in response to the question about why abortion is still illegal in Chile and argues that 'there is much inequality, for example, in Congress to start with, the quantity of women is very low and they are not at all respected. The 'left' block of the Concertación party is among one of the most conservative parties!' (Interview 33). Also, more importantly I argue, a reliance on gender quotas overlooks the dominance of conservative influence within (and outside of) the political system, which is arguably linked to economic inequality (Franceschet, 2005: 86).

These questions raise the important issue of intersectionality (Crenshaw 1989); of notable importance in the SRH debate in Chile is the issue of economic disparity amongst women and the impact this has on women's different levels of access to SRH. As explored in previous chapters, different levels of economic access shape women's experience of sexual and reproductive rights. It can be argued that solidarity does not exist among women and that many women do not

¹⁰⁸ Details of the voluntary quotas of each different party can be found in Rios Tobar et al. 2008: The PPD Party – 'neither men nor women should be represented on electoral lists by more than 60 percent (Party statutes, article 7). However, this provision has been weakly enforced The PS Party - Since 2003, the quota has been twofold: Neither of the sexes shall be represented on electoral lists by more than 60 percent; neither sex shall occupy more than 70 percent of the seats in parliament (Party statutes, Article 40). However, this provision has not been adhered to in practice. The DC Party - According to article 105 of the party statutes, PDC has a 20 percent quota for women on electoral lists. This provision was adopted in 1996 but has been weakly enforced (Tobar, p. 18, 24).

¹⁰⁹ Female temporary agricultural workers

identify first, or primarily, as women. As Judith Butler argues, 'in an understandable desire to forge bonds of solidarity, feminist discourse has often relied upon the category of woman as a universal presupposition of cultural experience which, in its universal status, provides a false ontological promise of eventual political solidarity' (1988: 523). Further, if we understand gender to be constituted and learnt (as Simone De Beauvoir famously stated) then not all females have learnt to be sympathetic to the gender identity of 'woman' and instead identify more markedly with other identities. However, I argue that the intersectionality of gender and class identities has the effect of obscuring the gendered nature of the illegality of abortion. Abortion affects differently situated women differently; however, it affects all of these subjects on the basis of their sex. Economic and racial identities that intersect with gender create a lack of solidarity along gender lines; this is further cemented by the "pro-life" framing of reproductive and sexual rights as foetal rights, which has had the effect of obscuring the highly gendered nature of the issue. The issue is twofold; in the first instance it is a wider issue of intersecting interests among women creating a lack of solidarity based upon gender (which is in no way unique to Chile). The second instance (and the problematic element) is that the polarised human rights appeals used to frame the SRH debate have successfully hidden the traditional gender ideology upon which the "pro-life" discourse is based.

Most marked of those identities in Chile is class. The president of the College of Midwives, Anita Ramon, succinctly highlighted this economic division among women and how it affects women's different experiences of maternity and work. She argues that

'at the moment, protection of maternity is only available for women with formal contracts. But women with informal contracts, the temporary workers, they cannot become pregnant. And if they do become pregnant they are obligated to abort because otherwise they will lose their work' (The Clinic, 12/06/2014).

This point was corroborated by one of the volunteers at Linea Aborto Chile who explained that although women from all economic walks of Chilean society call the service, the issue affects those of lower resources more markedly. She explains that

'a lot of girls from the upper class areas call, many middle class impoverished students and also immigrants with very little information. Colombians, Peruvians, Dominicans. It's difficult because you know that it is the immigrant who is in the worst conditions, for whom the \$100,000 pesos for medication [Misoprostol] is impossible' (El Mostrador, 12/08/2014).

Notably, Linea Aborto Chile refuses to engage in a debate about values and morals for the very reason they seek to place the discussion in a different context; that of a social battle linked to economic inequality and an oppressive patriarchal system. In this chapter, I argue that the current framing of the abortion debate in which foetal rights are central and women's rights are largely obscured has the effect of silencing the gender ideology that supports the "pro-life" discourse; subsequently, the economic disparities among women are also silenced. By deconstructing the implicit gender ideology of the "pro-life" sector, the forging of solidarity among women of different economic backgrounds is possible. The following section explores the activism of some self-termed autonomous, radical groups that seek to re-shape the discourse surrounding SRH in order to highlight the underlying gender ideology and place the discussion within its wider context. The aim of their work is to integrate the issues of economic and social justice, mental health, and equity, thereby attempting to reform the informal institutions that shape the debate, and ultimately, the formal institutional legal response.

To understand the vast economic inequalities in Chilean society, it is necessary to consider the historical context of the neo-liberal project. In Blofield's work analysing economic inequality and the politics of redistribution in Latin America, she argues that in advanced democracies we would expect to see citizen preferences that largely correlate with government policies and actual levels of inequality. However, this is not the case in Chile as most people would prefer a fairer system of redistribution; the obstacle to this according to Blofield is that 'neo-liberal policies have been implemented in the context of already-high levels of socioeconomic inequalities in the region' (2011: 147). Hughes and Prado argue that 'media framing may also contribute to less emphasis on problems such as poverty and inequality' (cited in Blofield, 2011: 173). As a result of the economic inequalities between women, class divisions act as an obstacle to widespread mobilisation in support of reform of SRH and to the politicisation of the issue. In relation to the successful framing of abortion, Blofield argues that

'conservative actors are able to dominate the framing of abortion as a moral and criminal rather than a social problem, and middle-class women are able to resolve their need for the procedure privately and through illegal and expensive means. Effects such as hospitalisations from illegal abortions and lack of access to the means to prevent pregnancy through the public sector are contained amongst poor women, whose needs are not politicised' (2011: 303).

Therefore, if the radical feminist movements are able to take control, or successfully contest the current framing of sexual and reproductive health issues, the movement has a greater chance of highlighting the stark class and gender inequalities of women's experience of abortion, thereby increasing the opportunities for greater cross-class alliances.

Considering the stark economic divisions between women and its effect on cross-class solidarity in issues around gender and reproductive health, feminist movements have sought to raise this issue and re-frame the debate in non-traditional arenas of democratic participation; or as Cornwall and Coelho name 'new democratic spaces' or 'participatory spaces' (2004: 1). They argue that

'reforms in governance have generated a profusion of new spaces for citizen engagement...these hybrid "new democratic spaces" are...situated at the interface between the state and society; they are, in many respects, intermediary spaces, conduits for negotiation, information and exchange' (2004: 1)

They suggest that through the expansion of such spaces, e.g. social movements, participatory budgeting, that this has facilitated the creation of 'new political actors and political subjectivities' (2004: 4). During the anti-Pinochet period, we witnessed the expansion of female consciousness and contested citizenship; involvement in a social or political movement can, and has, in the case of the women's movement in Chile, developed the political subjectivity of those involved. The inclusivity of the anti-dictatorship movement must be fostered in today's feminist movement if cross-class alliances are to be sought. The power of the participatory spaces used by the feminist movements of today (as we shall analyse in the following section) has the power to foster and develop engaged and informed citizens; new spaces that allow for social and cultural norms to be challenged and contested will help to forge cross class alliances.

The purpose of the discussion regarding the lack of female solidarity due to economic divisions has been to highlight how this has impacted on the (non)existence of a unified impetus for reform. My analysis of how a regulatory conservative gender ideology has penetrated both the formal and informal realms of politics is intended to show how important the deconstruction of informal institutional gender norms is to producing structural change. As such, the following section will address how sectors of the radical, autonomous feminist movement(s) in Chile are rising to the challenge to tackle "pro-life" discourse and create alternative discourses that

incorporate a critique of both the gendered and economic inequalities produced by the illegality of abortion.

7.2 The Feminist Movement(s) and Informal Institutional Change

*'We think that it is important that feminist politics, instead of ordering reality, being in agreement with the hegemonic order, questions it'
(Activist, CUDS Chile – Interview 44)*

'New ICTs are changing the way in which we communicate, collaborate and demonstrate' (R. Garrett, 2006: 202)

The failure of all projects to decriminalise abortion since the return to democracy, the lack of a cohesive system of sexual education in schools, formal/structural obstacles, problems with access to emergency contraception, plus distrust of de facto power groups (religious and economic actors) have led to an atmosphere of disillusion with formal politics and institutions. Many organisations thus feel that progress is not likely to be achieved through dialogue with those in formal structures of power. As Angela Erpel Jara of Linea Aborto Chile explains:

'we are not interested in speaking to the Church, neither with the politicians nor the priests, what are we going to achieve by that? We want to talk to women, give them information, share experiences, speak about abortion and take away the guilt from women. That is our work' (interview 33).

Luis Venegas of CUDS informed me that they do not see formal politics as the arena in which to raise their demands, as formal politics

'reduces politics to the resolution of problems... we think it is more important to create fractures, to destabilise the natural, to generate questions which open possibilities for the construction of a more habitable world. We do not think it necessary or urgent to discuss our political actions with the government' (interview 44).

Anita Urrutia Vera (a feminist activist who lives in Puerto Montt) explained that feminist visibility must be understood in wider terms than policy change. She argues that her vision of visibility is:

'that people are informed and that they feel like part of something, I think that is visibility, and it's great when people talk about an issue, now if that also generates changes in public policy, the goal is accomplished, and if it is maintained over time and it rectifies errors and improves the attention that's better, but visibility doesn't always generate changes' (interview 19).

Instead, these new radical movements have isolated the deconstruction and destabilisation of the “pro-life” foetal rights discourse as central to their agenda; challenging gender norms and thereby reforming the informal institutions that govern both attitudes and law regarding reproductive and sexual health. In response to my question of whether a change in law is their principal objective Angela Erpel Jara explained,

‘it is important, but we have other priorities. It is important, but our objective is to change women, to speak about abortion, give them information about abortion with pills [Misoprostol]. We are not going to ask the state because we know that the state of Chile is a lie, we are not going to wait until a public policy happens and they tell us how to abort, we already know how to abort. We don’t put the state as a valid interlocutor; we place women in the position of interlocutor. We want women not to be blamed (or feel guilt) and that they aren’t victimised. We are trying to change the issue, in the marches many people come up to us, we’ve had a really good reception and also in the women workshops. We want women to see abortion in a different way’ (interview 33).

CUDS share the same objective, seeking always to challenge gender norms through destabilising the dominant paradigms that govern responses to claims for sexual and reproductive rights (both in terms of attitudes and political responses). They seek to highlight the highly patriarchal and gendered nature of the abortion debate with slogans highlighting the hypocrisy of “pro-life” sectors, such as: ‘in the población (poor areas) they oblige us to abort, their repression, domination and poverty, their cheap labour’ and ‘we abort your system, let’s organise the resistance’¹¹⁰. CUDS focus on highlighting the link between (and rejection of) abortion and patriarchy: ‘women, we are not uteruses for the patriarchy’. They apply a playful mixture of the two in their slogan ‘I abort the patriarchy.’ Linea Aborto, who explained to me that their normative perspective is one of lesbian-feminism, make a similar point with their slogan of ‘lesbians, we abort the patriarchy.’ The purpose of these slogans is to highlight the implicit gender ideology that shapes the current debate around abortion; this is central to the work of both organisations.

As noted by Mohanty (2003) and Lidia Casas Becerra¹¹¹ (1997), traditional social science research (and the prevailing discourse surrounding SRH in Chile) has repeatedly disregarded the

¹¹⁰ All slogans on this page are from chants and placards at the 25th July 2014 ‘pro-choice’ rally, <https://www.facebook.com/photo.php?fbid=337140949769335&set=a.337149723101791&type=1&theater>

¹¹¹ This was also noted in an interview with the author wherein Lidia stated that there has been little recognition of the intersectionality of women’s identities (even within the early women’s movement) and how this affects their experience of SRH. Lidia argues that ‘the women’s movement was very much for the process of the recovery of democracy and social rights, a lot placed on the poblaciones, on poor

importance of intersecting interests and identities, thereby overlooking the relevance of race, class and religion in women's lives. CUDS argue that today the women's movement(s) is being described as universal and representative of all women, thereby failing to take into consideration the intersecting interests of women and thus negatively impacting upon the space for discussion and debate. Luis Venegas states that

'the type of visibility that the women's movements have today is questionable; transformed as universal, without fissures of class, where it seems to have a coherent community of women, cohesive and with the same problems, at least according to the hegemonic representation today' (interview 44).

CUDS argue that this has negative ramifications for the way in which the sexual and reproductive rights debate is framed, stating that

'there is a fear of political discussion, to doubt, to criticise the established. Because of this, feminist politics is reduced to a politics of gender, and specifically one of ending violence against women. It loses the political potential to transform itself into something politically correct that everyone can agree with, and there is no discussion' (interview 44).

By attempting to universalise the movement and homogenise the interests represented, the more formal NGOs and formal institutional side of the movement (most notably SERNAM) have obscured the wider contextual intersecting interests of women. CUDS argue that many NGOs and those affiliated with SERNAM for funding are integrated into the official hegemonic discourse and therefore must toe the line:

'there is a void of political solidarity amongst certain groups of women who are situated within the official political hegemony, where they now don't just exclude feminists but they don't even work in solidarity with those who were persecuted for working with the political issue of abortion, recall the senate vote of 2012 where they voted not even to discuss this topic' (interview 44).

Lidia Casas Becerra explained to me her views on why the women's movement has been unable to influence the agenda on abortion within the context of the transition period and thus not created the change expected by advocates of sexual and reproductive rights. She argues that

'the full agenda of the feminist movement I don't think managed to permeate fully into this women's movement [the post-transition movement]. At the same time, both decreased their level of influence in the politics of dialogue consensus that was built since

neighbourhoods, issues of housing, some on labour, and some of it intersected, but there was very little intersection' (Interview 9).

1994... there was a misconception of understanding many women's organisations organising as NGOs, as think tanks, or running projects, identifying themselves as the feminist movement, but it has lost connection to the grassroots movement, so when that happened you were not able to connect and that's what some members of congress wanted, a connection of grassroots movements because they knew that bringing [a political proposal on] abortion you need popular support' (interview 9).

There has been a disconnection between different branches of the feminist movement, between those considered *políticas* and those outside of the lobbying and NGO environment. A further disconnection exists between both of these sectors and the more radical side of the feminist movement(s), including groups who integrate a race and class focus into their actions. As Cornwall suggests, these divisions can create tensions between the factions: 'those who enter invited spaces run the risk of being regarded by those who choose to remain outside them as having been co-opted: they are seen to have sold out' (2004: 7). Alternatively, involvement in these 'invited spaces' between politicians and civil society representatives can foster cross-partisan alliances, which may enable a stronger voice in the policy making process.

This critique of the lack of focus on class and racial divisions can be found across the movement(s) of autonomous radical feminists. Angela Erpel of Linea Aborto describes abortion as 'one of the most brutal manifestations of economic inequality' (interview 33). The recently formed *Coordinadora de Feministas en Lucha* (CFL) is a co-ordination of several (50+) feminist and sexual dissidence groups across Chile. In an interview, one of the members, Paola Arroyo Fernández, who is a militant of 'La Violeta Rebelde,' highlights this deficit in the current debate surrounding sexual and reproductive rights:

'what happens with the pregnancies of women workers who earn the minimum wage and have no way of giving their children a dignified life? They are doubly punished by the system...to take on this issue is to address the structural problem from which the Chilean system suffers, so instead they decide to frame the right to abort in very narrow margins/limits, like the dramatic style of the "Teletón", the drama of rape or the risk to the life of a woman, but nothing which recognises the autonomy of women. We criticise the perverse logic behind these measures and the nullifying effect it has on discussion within society and the legal initiatives...So in a country which is one of the most unequal, where neither health nor education are rights, where in truth social rights are not guaranteed or fulfilled by the state, abortion in only certain cases is insufficient' (El Desconcierto, 23/07/2014).

As discussed in chapters 4 and 5, examples from the University of Diego Portales Human Rights study (2013) and work carried out by lawyer and academic Lidia Casas (1997) highlight how economic status significantly affects the ways in which women experience sexual and

reproductive rights healthcare. It is imperative to highlight that the rights discourse is central to this problem as it purposely obscures this very central issue. The suggested remedy proposed by the incoming government is to reinstate therapeutic abortion for three causes (rape, foetal inviability and threat to the woman's life). Paola Arroyo Fernández of La Violeta Rebelde argues that the current projects being considered by the government are a 'co-optation of the social movement which demands free, legal and secure abortion guaranteed by public health' (El Desconcierto, 23/07/2014). She adds that,

'the intentions of this new government of Bachelet are to control the feminist movement, at least those from the sectors of the *Nueva Mayoría* and those who adhere to the proposal of abortion for the 3 causes. The government will try to supply some things in order to anaesthetise social demands for a little while, without creating a solution to the real problem in the background...The feminism that we defend places the issue of class as an essential question. It is impossible to understand the place of women in the world without incorporating the issue of class, because they are indissolubly linked. Just look at the demonstration in front of La Moneda of those called "pro-life", days after the announcement Bachelet made on the 21st May about re-introducing the projects related to abortion' (El Desconcierto, 23/07/2014).

The "pro-life" demonstrators who protested outside of the presidential building (La Moneda) that Paola refers to, are often made up largely of middle and upper class teens from religious schools, colleges and institutions (The Clinic, 15/07/2014). Many of those who attend "pro-life" rallies, which I witnessed at the senate debate in 2012, are often young students who wear the pro-life uniform of a red t-shirt with an outstretched hand and foetus symbol, a mixture of male and female students who are versed in the "pro-life," pro-foetal rights discourse. This homogeneity and unity of this group highlight both the influence of organised religion and the effect of economic divisions in Chilean society that dramatically shape access to sexual and reproductive healthcare. These students are encouraged into protesting against reproductive rights projects at an early age despite the likelihood of their being affected by such laws (at least as strongly as those from the working class) being very low. As Paola Arroyo further argues, the focus of radical feminist groups is working towards deconstructing this dominant narrative that students internalise and translate into society:

'education is an area in which we focus our fight, because we understand that in order to overthrow the capitalist patriarchy which dominates us, we must question this system in every area of the stages of human development...In the end, abortion is an issue which provides evidence of the patriarchal structure, made possible by an unjust system and heightened by the contradictions of class, as is this neoliberal system, where it is the poorest women that are the most persecuted by this prohibition and for the moral brick

which falls on their lives, which places guilt on women when we want to reject maternity' (El Desconcierto, 23/07/2014).

The forms of activism these radical groups are employing are intended to subvert the dominant discourse (shaped by the Churches and conservative interest groups) by use of methods of communication that are not subject to the control of these forces. For example, CUDS and Linea Aborto use 'popular spaces' (Cornwall and Coelho, 2004), arenas 'within and from which people are able to frame alternatives, mobilise, build arguments and alliances, and gain the confidence to use their voice, and to act' (2004: 6). Linea Aborto Chile is principally an information hotline for those seeking to abort using the drug Misoprostol. The organisation follows a strict lawyer approved script in order to avert any lawsuits (3 unsuccessful lawsuits have already been brought against them) and is only authorised to give information about the use of Misoprostol (not where to procure the drug). However, the organisation also gives information about women's sexual and reproductive rights under national and international law, believing that is integral to empower and educate Chilean women about their human rights. In addition to the hotline, in order to disseminate their 'lesbo-feminist'¹¹² discourse they use radio and alternative newspapers; they sell t-shirts with the hotline number on, an abortion manual (explaining how to abort with Misoprostol), an online blog and Facebook page. Angela Erpel explains that 'the Internet has helped us a lot, but we know that not everyone has access to the Internet' (interview 33). Due to this, the group have employed a stencilling campaign in which they spray paint murals/stencils onto walls and in bars¹¹³ and restaurants around different cities (they have colleagues in Iquique, Concepcion and Santiago). Angela explains that,

'the majority of people come to us via the internet, but this is also a problem because the internet is only accessible to a segment of women, so poor women were not finding us and so because of this we carried out a huge campaign of street stencils. In the poorer neighbourhoods, at a national level, we did lots of stencils in the streets, and when they called us they told us that they had seen the stencils. That was really effective, and also at the same time, very provocative' (interview 33).

These new media spaces provide feminist groups with a way in which to overcome their role as outsider groups and the obstacles that have negatively affected their progress, such as a lack of financial resources and access to formal structures of power. New forms of information and communication technologies offer activists a form of direct action, thereby creating a way in

¹¹² This is how Linea-Aborto Chile describes their ideology – a rejection of patriarchy as both lesbians and feminists.

¹¹³ One of which I witnessed in a bar in Valparaiso in an area of town populated by many students and young people (Cerro Bellavista/Alegre).

which to generate dissident voices and to shape the sexual and reproductive rights debate. An example of this can be seen in a recent consciousness-raising poster campaign carried out by Linea Aborto and colleagues in Concepcion, in which posters were placed around the city of people (men and women) holding signs saying '*yo aborté*' (I aborted). The campaign saw a dramatic rise in numbers of calls received by the organisation, proving that these methods are effective. Between June 2009-2011, the line received 2,853 calls (an average of 14 calls per evening during the hours of 7-11pm). 51% found out about the existence of the hotline via the Internet and a further 24% by the street stencils. In 2011, none of the callers discovered its existence via the written press, which can be explained in large part due to the conservative control of the media and the little attention the organisation is given (Linea Aborto Chile, 2009-2011). They have also produced an information manual entitled 'how to carry out an abortion with pills' which can be found online on their website, for sale or free to read in various libraries around Santiago (Linea Aborto Chile El Manual, 2012). The abortion manual created by Linea Aborto Chile is an example of direct feminist action and reflects the focus of Linea Aborto on reforming the informal institutions that shape responses to abortion. In the manual they argue that,

'with the understanding that language constructs realities and that these realities have a name, we believe that there is an urgent need to snatch the word abortion from the conservative sectors of Chile and un-frame the abortion discussion from a 'moral-value' one where they have placed it. In this sense, Linea Abortion Chile reaffirms from its perspective and style of action, the political obligation to: speak, name, write, draw, stencil, tattoo, print, socialise and re-appropriate the word ABORTION' (Linea Aborto Chile El Manual, 2012).

The Internet therefore provides the organisation with space in which to provide women information that they would otherwise not receive from the state or government institutions such as SERNAM. As the United Nations High Commissioner for Refugees (UNHRC) Freedom House highlights, in Chile

'there are no government restrictions on the Internet, which was accessed by 54% of the population in 2011. In 2010, a net-neutrality law went into effect, and it forbids Internet service providers from restricting or interfering with content or access to content by users' (UNHCR, 2012).

This law ensures that the service provider cannot block or interfere with any content accessed or created by users and is the first of its kind.¹¹⁴

The central objective of the university collective organisation CUDS is the interruption of what is considered political through the use of urban intervention, cyber activism and drag among other means, thereby generating cultural reflection concerning sexuality, reproduction and gender roles in Chile. Luis Venegas of CUDS explained,

‘we use various distinctive strategies and methodologies of political action that we believe have in common the intervention in traditional language/discourse (masculine, archaic) of political communication. Destabilising, as a political act, is part of what defines our diverse actions...In the carrying out of our actions we don’t limit ourselves to specific methods, we recycle, we use and construct methodologies in keeping with contexts, the same for our use of distinct platforms of reality (cyber-activism, interventions in the space denominated “public”). We use the politics of drag or of confusion as a strategy and dynamics in order to de-stabilise and collapse the common comfortable and naturalised sentiment’ (interview 44).

They use cyber activism and forms of urban intervention in order to disrupt dominant public spaces, thereby destabilising common naturalised views surrounding gender and sexuality. Their most recent campaign ‘*Dona por un aborto ilegal*’ (donate for an illegal abortion), saw the organisation collect money on the streets of Santiago and engage in dialogue with people about abortion in an attempt to challenge widely held beliefs about women’s rights, roles and sexuality. The campaign was disseminated further by a video the group posted on Facebook showing the activists engaging in dialogue with those in favour and against on the streets of Santiago.¹¹⁵ They ‘recycled’ and subverted the symbol of the foetus from anti-abortion groups by claiming the foetal right ‘not to be born’ and promoted the idea that ‘woman is not a synonym for mother’. In doing so they aimed to highlight the myths in Chilean society that seek to exert control over women’s bodies; myths that they argue ‘help make possible the coercion and control of women’s bodies, giving them an a priori biological and cultural destiny.’

The alternative use of the foetal right not to be born is intended to highlight the interpretive nature of rights; by claiming that the foetus has a right not to be born into poverty, into a world of gender inequality, or to a mother/family who does not want a child. This understanding of rights

¹¹⁴ However, this does not mean that illegal activities such as child pornography or terrorist content will not be prosecuted. For this reason, Linea Aborto cannot provide details on where to obtain Misoprostol, as its sale is illegal.

¹¹⁵ CUDS Chile (22/02/2013) video, ‘Illicit Association’, and also CUDS Chile video (18/04/2012)

shows that what each individual understands to be a 'good life' protected by rights is not static; the current formulation of foetal rights fails to incorporate different perspectives. It also points to the importance of the intersecting economic, racial and gender inequalities that women face, which is silenced by the current scope of the debate. In her study of the Australian "pro-life" movement's use of verbal and visual foetal symbolism, McLaren argues that

'analysing the meaning and importance of the foetus as a visual symbol leads to insight into the pro-life movement, as well as into the interplay between emotion, intuition and reason in the formulation and reproduction of moral and political beliefs...Images of the foetus are a striking and potent element of pro-life repertoires of contention...Emotion is a powerful element of politics, and images of the foetus challenge the emotions, and thus the humanity, of the viewer' (2013: 82).

The powerful use of the foetus symbol produces a moral dilemma in people; linked to the backdrop of the dictatorship, the innocent, defenceless foetus is seen as more important than the rights of adult women. The "pro-life" movement have seized upon this sentiment and incorporated this symbolism and rhetoric into their discourse, thereby limiting the discussion around abortion. Also, the verbal image of the foetus is evoked in the language used in political projects as explored in chapter 6 and in the discourse of the "pro-life" organisations in the media (as seen in chapters 4 and 5). The valorisation of the foetus is inextricably linked to the valorisation of motherhood in so far as it requires the valorisation of motherhood to justify the protection of the innocent child; foetal rights require a selfless and self-sacrificing mother. However, 'pro-choice' groups such as Linea Aborto and CUDS are reclaiming this language and symbolism in order to subvert the dominant meanings attached to them by the "pro-life" movement. McLaren argues that 'similar analytical approaches could provide insight into the 'pro-choice' movement's visual repertoires' (2013: 83). Therefore, 'pro-choice' groups can equally employ the use of visual and verbal symbolism.

Additionally, CUDS have a blog that provides a safe and anonymous space in which to discuss the taboo subject of abortion and to share their work and activism.¹¹⁶ The group has also staged interventions in universities to destabilise and create tension 'with the traditional studies concerning institutionalised gender in universities and creating political discourse in this political space' (interview 44). The use of blogs by these organisations provides activists with a free tool

¹¹⁶ They have a tumblr page and also an online magazine/blog of their feminist art and politics – see bibliography.

with which to spread their message and share information.¹¹⁷ This space is used predominantly by the younger generation and may suggest that social and cultural change in the future may be generated via the use of ICTs. In Friedman's analysis of the use of ICTs by Mexican lesbian activists, she argues that 'the global tool of the Internet offers this marginalised, yet resolute, group of women new opportunities for making social change' (2007: 790). Furthermore, 'the Internet addresses the central problems impeding the effectiveness of lesbian organizing: isolation, repression, resource restriction and lack of community cohesion...as websites offer a more stable and inexpensive platform for socializing and activism...websites are relatively accessible sources of alternative information, crucial for communities ignored or criticized in the mass media' (2007: 791). Friedman analyses the potential of the Internet in relation to community building, arguing that the internet offers marginalised communities uncensored spaces within which to communicate, share experiences and ideas. This analysis is equally applicable to the 'pro-choice' movement in Chile and its own use of ICTs as a platform upon which to raise demands, educate, and destabilise dominant discourse.

As Shirky suggests, 'social media are long-term tools that can strengthen civil society and the public sphere...the networked population is gaining greater access to information, more opportunities to engage in public speech and an enhanced ability to undertake collective action' (2001: 29). One of the many benefits of the use of ICTs in the Chilean case is that it does not rely on financial resources or organisation structures. Traditionally disciplined organisations like the Church and the elite controlled media have had an advantage over unorganised and underfunded organisations such as feminist groups. As the UNHCR Freedom of the Press report of 2012 highlighted,

'Chile's commercial press is concentrated in the hands of two media conglomerates, the El Mercurio group and Copesa. These organizations consolidated their positions during the Pinochet dictatorship, and continue to receive government subsidies estimated at \$5 million annually. Media groups are tied to financial and advertising interests, and control distribution channels throughout the country, creating high barriers to entry for new publications' (UNHCR, 2012).

However, with the growing use of ICTs as a method of sharing information and organising around interests, 'larger, looser groups can now take on some kinds of coordinated action, such as

¹¹⁷ See CUDS Chile action blog (2012) and also the blog of sexual and reproductive rights NGO Pro Salud provides similar space for discussion in addition to information about access to the Emergency Contraception pill, see Pro de Salud blog in bibliography. See also the Women on Waves affiliated blog of 'Young Feminist Conscience' for the campaign 'Yo aborté.'

protest movements and public media campaigns that were previously reserved for formal organisations' (Shirky, 2001: 33). Garrett (2006) highlights that while ICTs are an effective means of knowledge sharing, we should not overlook the importance of mixed forms of activism (such as double militancy). Garrett suggests that we should continue to employ 'traditional hierarchies for some tasks while utilising new ICTs to facilitate more decentralised, collaborative processes for others' (2006: 17), for example Miles Chile and Pro Salud who continue to closely monitor the government in their application (or not) of the law and adherence to human rights treaties.

As the use of ICTs as a method of organisation and action is relatively new, empirical analyses of their effectiveness are thus far underdeveloped. It is difficult at this early stage to offer any concrete conclusions on their success; however, we can offer some observations. The digital communications employed by CUDS, Linea Aborto Chile, Pro Salud and Miles Chile (to name a few) provide citizens with an anonymous space in which to express themselves concerning a taboo subject, to share ideas for action, and to deconstruct social and cultural myths surrounding sexuality and reproduction. Indeed, in M. R. Hilbert's study of the development of the digital age in Latin America he argues that the use of ICTs are key to the social development of society:

'we are not pursuing the expansion of Information and Communication Technologies as an end itself, but rather as a mean for increasing economic growth, improving social standards, or stabilizing democracy - in short: to improve the relative degree of development of a society' (2001: 10).

Furthermore, he notes that the 'Enlaces project' has connected all secondary schools and over half of all primary schools to the Internet, thereby giving 'more than 90 per cent of the Chilean students access to a connected computer' (2001: 94). This means that the internet will be the likely source of information in the future, and that it can be used as an effective method to overcome traditional constraints such as lack of finance, conservative censorship and elite control of the debate around 'divisive' issues.

Chile has a population of 17,363,894 people spread out over an extremely geographically diverse area, with the arid Atacama Desert in the north and the Antarctic region in the south. Online technologies therefore provide people outside of the main and more modern cities with access to new ideas and with an arena in which to participate (CIA World Fact Book, 2014). Moreover, they provide those without access to mainstream media or large financial resources a platform on which to raise their demands. The increasing number of women accessing the abortion hotline due to information gained on the internet is a sign that these new methods of communication are

reaching those previously beyond the reach of such information. The group has begun to gain attention from several more left-leaning newspapers and blogs, such as *El Mostrador*, and the group's work has even reached the attention of The New York Times (New York Times, 04/01/2013).¹¹⁸ There is a risk that those who cannot access the Internet are from the poorest and most isolated sectors of society and therefore we must be aware of an over-reliance on the use of online media at the expense of other forms of communication. Indeed, the case studies show that while ICTs have thus far proven to be effective in raising awareness of feminist issues and sharing information, other tactics are necessary to ensure that this information reaches those beyond the boundaries of online activism.

The purpose of analysing the theory and tactics of sectors of the radical feminist movement(s) is to highlight the ways in which these groups are pushing beyond a limited focus on policy change and working towards direct action intended to destabilise the gender norms which shape the SRH debate. The activism of these groups seeks to highlight the lack of a critical focus on the economic and racial divisions between women and how the illegality of abortion affects such differently situated women differently. As argued in this chapter, the interpretation and application by the "pro-life" sector of human/foetal rights has obscured this imperative critical debate by limiting the discussion to a simple dichotomous foetus v mother focus, thereby leaving no room for the discussion of the economic and gender inequalities which are co-constituted by the illegality of abortion. The theoretical and normative work of these groups underlines the importance of informal institutional reform to the progression and expansion of sexual and reproductive rights, both in the formal and informal spheres. The following section looks to projections for the future of structural change under the *Nueva Mayoría* government of Michelle Bachelet. The *Nueva Mayoría* government has proposed several formal institutional reforms; however, will the persistence of regulatory gender norms continue to act as an obstacle to the implementation of SRH? Do the proposed reforms have a sufficient focus on altering the informal institutions that limit women's access to SRH?

7.3 Looking to the Future: Projections Under the Nueva Mayoría Government of Michelle Bachelet and Beyond

7.3.1 Therapeutic Abortion

¹¹⁸ See also *El Mostrador* (12/08/2014).

In the programme of Michelle Bachelet's *Nueva Mayoría* party released during the campaign process, it was stated clearly that the party would reinstate therapeutic abortion. This campaign promise was situated in the section entitled 'gender equality' and reads as follows:

'we will promote policies destined to reinforce the autonomy of women. This includes a law on sexual and reproductive rights in keeping with the realities and options of people; secular and humanist sexual education in schools; access to sexual and reproductive health services; effective availability of contraceptive methods, including the emergency contraceptive pill; and the decriminalisation of the voluntary interruption of pregnancy in the case of danger to the mother's life, rape, or foetal inviability' (2014 -2018 Programa de Gobierno de Michelle Bachelet).¹¹⁹

Bachelet has stated that she will support one of the many therapeutic abortion initiatives that are currently *en tramitación*¹²⁰ and will apply the tactics of internal institutional conversion that she has utilised to her advantage in the past. She has stated that 'the idea of the Moneda¹²¹ is to sponsor one of the initiatives. This will be carried out by means of the application of urgencies and/or the presentation of suggestions, in place of elaborating a new legal project' (La Tercera, 28/05/2014). Although the government under Bachelet has proposed to support the legalisation of therapeutic abortion and in the initial programme this issue was placed under the section 'gender equality', in practice it has thus far publicly maintained an unhelpful discourse within which to frame the issue. The newly appointed Minister of SERNAM Helia Molina was quoted in an interview saying 'we are not promoting abortion, we propose to decriminalise in three situations, which are very specific...today it is very easy not to become impregnated...there is no real justification for open abortion' (Emol, 02/06/2014). She further significantly underestimates the number of clandestine abortions which occur annually in Chile, stating a figure of 'around 20,000', whilst research suggests the figure to be anywhere between 70,000¹²² and 284,000 (C. Molina, 2009)¹²³ These projections are further compounded by statistics gathered from the Ministry of Health itself which states that in 2009 alone there were 33,777 women admitted to hospital for signs of abortion which was similar for most years from 2001-2009 (Dides, Nicholls

¹¹⁹ See 2014 -2018 Programa de Gobierno de Michelle Bachelet (Accessed on 18/08/2014)

¹²⁰ Meaning a project has been proposed and is at one of the many stages of its life (e.g. discussed in Congress, discussed in commission, discussed at the Senate). Once a project has either been passed or rejected it is no longer *en tramitación*. At the date of writing (August 2014) the *Nueva Mayoría* has not stated which of the existing proposals it will support, therefore no in depth analysis can be carried out in this chapter. Instead, I suggest theoretical issues with the potential proposals and also statements from Ministers and Bachelet herself.

¹²¹ The building in which the government is situated.

¹²² This is the most widely cited figure and comes from a study carried out by the University of Diego Portales in 2013 – Human Rights Inform

¹²³ See also CIPER (04/04/2008).

and Galan, 2012 cited in bill 8925),¹²⁴ which suggests that Minister Helia Molina is unwilling to address the issue of abortion in an open and meaningful manner and continues to apply a cautious tone when discussing the matter. By stating that ‘today it is very easy not to become impregnated’ and that ‘there is no real justification for open abortion’, Minister Molina refuses to engage with a discussion about issues of access to SRH for women with different levels of economic status or the lack of sexual education; for women of upper and middle classes the ability ‘not to become impregnated’ is far easier than for those of working class backgrounds. Further, no mention is made of the unequal gender roles that shape attitudes and laws around SRH.

According to the *Nueva Mayoría*, the basis for reinstating therapeutic abortion is to promote the ‘autonomy of women’. However, as both the government programme and Minister Molina have made clear, they plan to allow abortion only in the strict parameters of those considered ‘therapeutic.’ Therefore, from an FI perspective, the project of the Bachelet government to reinstate therapeutic abortion for the three causes can be seen as a potentially dangerous project as the gender assumptions behind limited therapeutic abortion are that the government has the right to decide what women can and cannot do with their bodies; it decides who deserves to have an abortion and who does not. This is a highly paternalist stance and the potential success of this project may have the negative effect of taking away the already limited impetus of the mainstream feminist movement and empathetic politicians to agitate for greater change in terms of SRH. Some of my interviewees argue that this is a necessary gradual step, an evolution rather than a revolution. However, therapeutic abortion (for the three causes suggested) does not recognise the importance of economic and gender inequalities as highlighted by the work of radical feminist groups; it does not take into consideration or address the vast majority of reasons for which women turn to abortion.

The project of the Bachelet government does not seek to challenge the informal structures of gender norms, attitudes and responsibilities that shape the SRH debate and gender roles. By limiting the project to so called therapeutic abortion it fails to address the wider context of abortion and reproductive health: lack of sexual education, access to contraception, male responsibility, mental health, female autonomy. Instead, it addresses a miniscule portion of those

¹²⁴ Dides, C. Nicholls, L. Galán, G. (2012) *Desafíos en Salud Sexual y Reproductiva y Derechos Cairo +20*. Elaboración propia en base Departamento de Estadísticas e Información en Salud DEIS, Ministerio de Salud, año 2012. Universidad Central de Chile y UNFPA (por publicar). These statistics were also cited in the most recent Congressional proposal to reinstate therapeutic abortion in 7th May 2013 – see bill 8925-11.

affected by a lack of access to abortion services. The vast majority of women do not fall into the three categories of therapeutic abortion and some have argued that this further obscures the debate (La Tercera, 05/08/2014).¹²⁵ Worryingly, members of the *Nueva Mayoría* party use this limited discourse, with a recent declaration by Deputy Castro who has suggested a 'bono' (pay-out) for women who have been raped and are pregnant as a result (Red O'Higgins, 31/07/2014). This is another example of the continued paternal ideology surrounding sexual and reproductive health and completely overlooks women's autonomy. Furthermore, the reinstating of therapeutic abortion may produce a reduction in the impetus for progressive SRH laws and activism, thereby further silencing the economic and gender inequalities that shape women's experiences of SRH. As previously cited, Paola Arroyo Fernández argues that to reinstate therapeutic abortion would 'anaesthetise social demands' (El Desconcierto, 23/07/2014), thereby undermining the feminist struggle for free, legal and safe abortion services for all women.

I argue that a project to simply reinstate therapeutic abortion may do more harm than good. Having argued that informal change is central to formal institutional change, an assessment of the informal institutional basis of therapeutic abortion suggests that therapeutic abortion alone (as opposed to free and legal abortion) would not be an effective way to reform the informal norms and gender roles that shape the abortion (and wider SRH) debate. The reason for this being that a paternalistic, restrictive law which does not seek to address the wider contextual issues and maintains state and medical control of women's bodies does not effectively challenge the informal norms. In the short-term, any bill that protects women's rights can be seen as positive, but in the longer-term this project does not seek to 'reinforce women's autonomy' and as such should be viewed with caution from analysts of the debate.

7.3.2 Structural Reform – Towards Formal Institutional Change

The *Nueva Mayoría* has outlined three main areas for structural reform under the title 'in depth reforms,' namely: educational reform, tax reform, and constitutional reform. All three projects are currently at different stages of the *tramitación*¹²⁶ process; as such, the outcome of each project is unknown, yet there are several signs for optimism. This analytical outlook is based upon the campaign proposals and initial structural reforms under discussion. As of yet no legislation has

¹²⁵ Although the author states that he is not in favour of abortion, he states that the debate must be open and meaningful. He argues that the therapeutic abortion debate is damaging, as it will not alleviate the majority of women's situations.

¹²⁶ *En tramitación* means in administration; not yet archived, rejected or passed as law.

been passed and therefore only a theoretical analysis of the potential reforms is possible. As discussed at length in chapter 3, commentators have long noted the barrier to gender equity in Chile that structural obstacles have created (Htun, 2003; Matear, 1997; Macaulay, 2006; M.E. Valenzuela, 1998); therefore, the removal of these long-standing structural obstacles via the government's planned reforms could provide the most likely entry points for advocacy witnessed since the return to democracy, most notably the reforms proposed to the Constitution (including the binominal electoral system) and the Constitutional tribunal.¹²⁷

An interesting change proposed to the Constitution is the addition to the 'right to life' section; the newly proposed section would read as follows:

'the right to life, physical and mental integrity. The state must recognise the right to life and to physical and moral integrity of all people, without them being submitted to torture or cruel, inhumane and degrading treatment. It requires the effective abolition of the death penalty, to prohibit forced labour and the human slave trade. Men and women have the right to a life free from physical, psychological, moral and sexual violence, as much in the public sphere as the private sphere. It is the obligation of the state to adopt the necessary measures to prevent, eliminate and sanction all forms of gender violence, especially that exercised against women and young girls' (2014 -2018 Programa de Gobierno de Michelle Bachelet: 31).

The programme later briefly addresses reproductive rights: '[The State] will be obligated to recognise also the right to sexual identity, sexual orientation and sexual and reproductive rights.' Although reproductive rights are mentioned, the definition of what would be protected is not elaborated upon in the Constitutional reform proposal. This may provide space for future development on the issue of abortion beyond that currently proposed by the Bachelet government.

Additionally, the *Nueva Mayoría* programme proposes to 'remove the inequality of access to economic resources, one of the principal barriers of entry to women [in politics]' (2014-2018 Programa de Gobierno de Michelle Bachelet: 33). Changes to the electoral system ought to be an advantage to increasing the number of women in politics, as Franceschet states: 'the political underrepresentation of women stands out as a major shortcoming...the electoral system shapes candidate selection in a way that disadvantages women' (2005, 85; also, Siavelis, 2002). As discussed above in this chapter, I argue that gender quotas alone are insufficient, as simply increasing the number of women in politics does not equal increasing the number of gender

¹²⁷ According to various sources, the Constitutional reform is not planned to occur until 2015. As of yet we are unaware of the specific content of the proposal – see Cooperativa (17/05/2014).

equity sensitive women. A 'numbers game' approach overlooks the intersecting identities of women and assumes a homogenous category that will represent the needs of all women. Jane Mansbridge argues that gender quotas risk encouraging essentialism, assuming women to be a homogenous category with the same interests and needs; she states that

'quotas potentially produce institutional rigidity and their need should decrease as structural and cultural conditions improve; it is best to institute them in their most flexible form. Because quotas also encourage essentialism, it is best to institute them in conjunction with major efforts to define in non-essentialist ways the reasons for their institution' (2005: 622).

However, there are signs of positive change that, if successful, could create the necessary conditions for the promotion of gender equity policies. One of the core policy proposals of the *Nueva Mayoría* government is the removal of the binominal electoral system to be replaced with a system of proportional representation. This wide-reaching reform could prove significant for the promotion of real gender equity reform in a way that gender quotas alone cannot.

At the time of writing in late 2014, there is widespread disagreement and political wrangling over the content of the proposals. It is too early to conclude whether the proposed reforms will stay true to their original content or whether they will be so watered down as to be rendered meaningless. If the proposed reforms are successful and maintain their original integrity, we may see the removal of several of the formal institutional obstacles that have blocked feminist policy change for the last two decades of democratic government. However, as argued throughout this chapter (and indeed this thesis), formal institutional change alone seems insufficient to create deep and meaningful gender equity within Chilean society and politics; a dual strategy (and analysis) is required when assessing the future of sexual and reproductive rights in Chile. The continued informal institutional influence (on both formal and informal institutions) of the Catholic and increasingly Evangelical Churches must be kept incorporated into tactics of reform, as radical feminist groups are aware (La Tercera, 22/07/2014). During Bachelet's 21st of May speech (within which the President analyses their first 100 days of government), she reinforced her commitment to reinstating therapeutic abortion, along with plans to sterilise street dogs. The Catholic Church (Bishop Ezzati) responded by attacking the president, stating that the President cared more about animals than she did about human life (La Segunda, 21/05/2014).

7.4 Conclusion

As argued throughout this chapter, informal institutional change has been identified as crucial to the radical feminist movement(s) in Chile. As such, the movement(s) applies a twofold tactic: firstly, the deconstruction of “pro-life” conservative ideology to highlight the underlying ideology behind the framing of foetal human rights which obscures the gendered and economic inequalities behind tissues of SRH. Secondly, the movement(s) is applying innovative tactics to overcome traditional barriers to feminist activism in order to challenge the gender discourse of reproductive rights. The movement(s) has sought to highlight the economic inequalities rife within Chilean society and as such they argue that until economic inequality has been addressed, meaningful gender equity will not occur. In response to criticisms that feminist movements in Chile have ceased to exist as an effective force, I have highlighted several emerging trends that provide commentators with reason for optimism. Due to growing disillusion and distrust of formal politics and the disproportionate influence of de facto power groups in politics and society, social movements are embracing methods of protest and organisation in an attempt to overcome previously impossible obstacles.

It is difficult to assess the success of social movements, above all when their objectives are not quantifiable (such as legal change or the implementation of gender quotas). It is therefore important to analyse feminist movements in relation to their own objectives. In the case of Chile, feminist groups have signalled a change in cultural attitudes regarding gender norms as a key objective. It is unhelpful to compare different factions of the movement(s) as many do not share the same objectives. That is not to say that those whose objectives are legal change through direct lobbying are not an important part of the movement(s), but it is imperative that the movement(s) should be diverse and as such should represent the diversity of Chilean women and their interests. The use of online technologies and innovative tactics are intended to subvert the dominant discourse as shaped by the Catholic Church and conservative actors in society. These tactics show signs of reaching beyond the previous boundaries, such as the financial resources of insider interest groups, the dominance of conservative print media and the influence of elite organisations and have challenged traditional ideas of what constitutes ‘doing politics’.

The objectives of these feminist movements are becoming ever more incorporated into this new space of protest and organisation, providing commentators with an exciting field of future analysis. Autonomism, although by no means a new tactic, is a central tenet of many radical organisations. This distrust of the traditional, male dominated sphere of party politics appears to be a characteristic of emerging radical feminist movements, as Maxine Molyneux notes:

‘there are welcome signs of growing activism by young feminists around a wide range of questions – including pornography and violence, advertising imagery, employment and abortion rights. These movements are an example of youth discontent but also of its disengagement from parliamentary politics’ (Molyneux in Open Democracy, 21/01/2013).

Proposals by the incoming *Nueva Mayoría* government provide room for both optimism and caution; structural reforms such as those designed to end the neo-liberal market nature of education, and constitutional reform to replace the binominal system and remove economic barriers to female politicians provide cause for optimism. However, the proposal to reinstate therapeutic abortion does not satisfy the demands of gender and economic equality as desired by the radical feminist movement(s) and will be unlikely to significantly reduce the number of clandestine abortions. Further, the proposal maintains the paternal gender ideology that has constantly underpinned the sexual and reproductive rights debate in Chile. As discussions surrounding the reforms of the *Nueva Mayoría* government presently continue, it is too early to conclude our assessment; however, there are several signs for optimism in both the formal institutional reforms and in the evolving activism of the radical feminist movement(s).

8. Conclusion

Throughout this thesis I have addressed the question of whether appeals to human rights are effective for framing feminist 'pro-choice' demands in Chile. I have analysed why abortion remains illegal in Chile throughout two decades of democratic government despite growing levels of citizen support for its decriminalisation. I have argued that the politics of interpretation of the human rights discourse and the wider SRH discourse plays a central role in shaping and restricting the debate surrounding abortion. Those in power have been able to limit the discussion by polarising the debate into one of conflicting rights – those of the mother against those of the foetus. I have highlighted the ways in which this discourse acts as an obstacle to the legalisation of abortion. Furthermore, I have analysed the work of sections of the radical 'pro-choice' autonomous feminist movement in Chile, arguing that the way to the legalisation of abortion must proceed via shifting the discourse. I have further underlined in my assessment of the work of these groups, the necessity of incorporating intersectional theory into our analyses. This research has sought to add to analyses that assess the interplay between informal and formal institutions, and the potential this has in isolating entry points for feminist advocacy and activism. In this conclusion I will first address the value and purpose of this thesis, then why the research is important, and finally I will highlight the lessons that can be drawn from this thesis and isolate future avenues of research in this area.

I began by setting out the key feminist theories used to underpin the critique of the sexual and reproductive rights discourse in Chile. An analysis of the feminist debates helped to situate and explain women's systemically unequal positions in society. The purpose of applying a feminist critique is to assess whether universal human rights, which I argue are dependent on political will for implementation and open to manipulation by conservative groups, are the most effective framework in which to fight for reproductive equality for women and to tackle systemic inequalities in both formal and informal institutions. I applied a feminist critique of the ways in which the human rights discourse is theoretically and normatively flawed. Feminist critics of the human rights discourse highlight the ways in which those who hold the power to interpret and enforce human rights do so in a restrictive manner, one that has not proved conducive to the feminist struggle for women's sexual and reproductive equality.

In answer to my research question of whether appeals to human rights are effective for framing feminist 'pro-choice' demands in Chile, I have argued that this is an ineffective framework due to

the highly malleable nature of its discourse, which has been subject to interpretation by those who hold economic and political power in Chilean society: conservative elites and the media, Right-wing politicians, “pro-life” interest groups, and the Catholic and Evangelical Churches. Given this, the task of feminists in Chile is to reformulate the informal institutions that shape and limit the available interpretations of human rights in order that this discourse is more inclusive and contextual, which is the focus of much of the work of radical sectors of the feminist movement today. Taking into consideration the history of feminist critique of the human rights system and discourse, I argue that the concept of rights is not inherently flawed, but rather that the system is insufficient in its current formulation and interpretation of such rights require a much greater diversity of input from those previously left outside of their design. The feminist concern for intersectional analyses raises this pertinent point and reminds activists and academics alike that gender, class, race, and ethnicity often intersect in a manner which silences certain people’s needs and interests.

The feminist theoretical debates regarding integration and autonomy, equality and difference, conflicting individual rights and the public/private sphere division were crucial framing tools in order to highlight the gendered nature of the abortion debate and responses of the actors involved. The feminist critique of the current rights discourse helps academics to highlight the systemic inequalities that women face in both formal and informal institutions, both theoretically and normatively, which drastically influence to the extent to which women are able to enjoy and exercise their rights (Cornwall and Molyneux, 2006; Craske and Molyneux, 2002). Through an analysis of the integration v. autonomy debate we can understand the varying tactics of the feminist movements, politicians, and NGOs in Chile and the plurality of approaches. I argued in chapter 7 that the autonomous approach of sectors of the radical branch of the feminist movement is most apt for tackling the informal institutional obstacles constructed by the “pro-life” sector, as autonomous ‘pro-choice’ activists are not required to cede ideological ground. My assessment of the equality/difference debate highlighted the importance of intersecting identities within the category of women and the dangers of assuming women can be analysed as a homogenous category, whilst also pointing to the importance of feminist analyses that unmask underlying gender ideologies that may limit all women’s rights.

An analysis of the division between issues considered public and private added to our understanding of the ways in which gender responsibilities and roles (notably in relation to reproduction) shape both the general debate and political responses to reproductive rights.

Furthermore, I contended that the debate regarding conflictual individual/group rights is crucial in understanding the ways in which the foetal rights discourse is applied by the “pro-life” sector to obscure women’s individual rights.

The thesis is structured around the argument that it is possible to argue for women’s reproductive right to life, privacy, health, life and so on. Concurrently, it is equally possible within the same system to argue against women’s individual rights (as witnessed in the case of reproductive rights in Chile). This research demonstrates that the victor in these debates is often the actor who holds the most power to interpret, implement and enforce human rights - such as financially backed conservative politicians, elite social interest groups and the Church. When phrased in conflicting and binary language, human rights discourse has the potential to become a battle ground between the powerless and powerful. A study carried out by Blofield and Haas (2005) highlighted that formal institutional reform (e.g. changes in law) is most possible, or likely, when the traditional binary gender ideology is not challenged or threatened. Therefore, reform to the informal institution of gender norms is key to long term structural change – without which reform will either not occur in divisive areas such as SRH (as per the Blofield and Haas study) or will be piecemeal (as seen in the case of emergency contraception). One of the central issues that have structured the thesis is: how do we change informal institutions and why is the reform of informal institutions as important to the reform of formal institutions? First it was necessary to establish what the formal institutional obstacles are (as explored in chapter 3), such as the binomial electoral system, the lack of gender quotas, the 1980 Constitution designed by the military dictatorship etc. and how these have acted as constraints to feminist policymaking. It was then necessary to establish what informal institutional obstacles exist which act to desist feminist change.

One of the key intentions of this research has been to highlight that informal institutions matter. Much work has been done on the role of formal institutions as obstacles to feminist policymaking (Htun and Jones, 2001; Dahlerup, Franceschet, Krook, and Piscopo, 2012; Haas, 2010); however, little work has been done on the role of informal institutional change and its potential to challenge the ideological basis for the continued illegality of abortion in particular. Politicians come and go, piecemeal structural reforms can and do take place (e.g. the structural reforms proposed by the current Bachelet government as discussed in chapter 7), but often, informal institutions persist.

I argued that given the example of the EC debate, formal reform might be insufficient or ineffective without informal institutional reform; the government of Michelle Bachelet must challenge the informal institutions that have acted as obstacles to feminist policymaking alongside formal structural changes. This thesis has been written at a dynamic juncture in Chilean politics; the *Nueva Mayoría* government of Michelle Bachelet in its proposed programme of government has promised a variety of (if successful) significant structural, formal institutional reforms. Proposals to replace the binomial electoral system, reform the Constitution, and create a fairer system of education are amongst the planned structural reforms. If these are successful (and are true to their original aims and content), we could see several of the formal institutional obstacles that have blocked feminist reform removed. This once again raised the issue of the importance of concurrent informal institutional reform; will the proposed formal reforms be successful without informal reform?

In chapter 1, I argued that institutions could be understood as mechanisms of organisation; the organisation of power between and amongst individuals, dependent on some level and form of enforcement. The forms, or mechanisms, of enforcement vary depending on which institution we are referring to. Violations of the rules or norms of formal institutions are often met with codified responses which are largely reliant on the political system for enforcement; this is also true of abortion, the illegality of which is enforced through criminalisation and sanctions (prison sentences). In comparison, informal institutions, although not reliant on the government for enforcement, rely on other forms of enforcement measures, such as social norms; gender roles, cultural practices and attitudes. In keeping with methods applied by authors such as Siavelis, Helmke and Levitsky (2006), I argued that in order to measure informal institutions it was necessary to create a testable hypothesis about behavioural patterns in keeping with the chosen informal institution (a conservative gender ideology). I then tested this hypothesis in chapters 4, 5 and 6 through an analysis of the implicit and explicit conservative gender ideology that underpins the discourse of the “pro-life” movement, arguing that the continued illegality of abortion is reliant upon a conservative gender ideology.

In chapter 3, I explored the historical context of informal and formal institutions in Chile, arguing that whilst several formal institutions inherited from the dictatorship period continue to act as obstacles to feminist policymaking, the informal norms that shape attitudes to abortion have historically not remained static. During the period from 1930-1973, the landscape of sexual and reproductive healthcare in Chile changed drastically (Guajardo and Jara, 2010). Great advances

were made in the field of SRH, arguably driven by the high levels of maternal mortality (partially resulting from the waves of urbanisation which occurred from 1930 onwards) and its perceived effects on the development of a modern Chile; therapeutic abortion was thus legalised in 1931. When Socialist Salvador Allende was elected President in 1970, the Neo-Malthusian population/family planning policies that had characterised the previous four decades were re-interpreted as a form of foreign imperialism intended to reduce the fertility rates of third world undesirable countries. During the three years of rule under Allende, women's bodies were subject to control by the state to further its own ideology, regardless of the wishes of women who had come to rely on modern methods of contraception. In 1973, the military dictatorship under Augusto Pinochet reversed the policies of Allende through its imposition of traditional roles for women and instead envisaged women's participation in the new society through increasing fertility rates, raising sons and daughters for the defence of the fatherland (Valdés and Frohmann, 1995). The final act of the military dictatorship was the criminalisation of therapeutic abortion in 1989. Although this amendment occurred in 1989, the nature of the 1980 Constitution (with further amendments in 1989) written during the dictatorship included several formal institutional obstacles, such as high quorums required to alter the Constitution and the introduction of the binomial election system, which would prove to serve as institutional legacies of the military regime during subsequent democratic rule. This made amendment to the decriminalisation of abortion extremely difficult. I also noted the informal obstacles inherited from this period such as the role of the Catholic Church, which gained significant influence in the transition to democracy and acted as a stalwart opponent of feminist policymaking. This historical overview showed that moral views on abortion and gender are, and have been throughout 20th century Chile, relative rather than absolute.

In chapter 3, I concurrently charted the evolution of the women's movement from playing the role of militant mothers, to rights demanding citizens who organised initially around economic issues and later around gender (Baldez, 2003; Craske and Molyneux, 2002). This highlighted the various obstacles to gender activism, and thus equality, which were subsequently inherited in the democratic era (Pieper Mooney, 2009). I assessed how formal institutional constraints blocked the inclusion of feminist policy proposals in the newly democratic era and the impact that this had on the transition era movement. The purpose of this was to highlight that, despite women's central role in ending the dictatorship, the informal institutions which dictated women's subordinate position in society ensured a return to politics as usual, with men in decision making roles and feminist demands side-lined (Jaquette, 2009). The post-dictatorship women's

movement has been widely described as lacking visibility and influence (Waylen 1994, 2000; Richards, 2004; Franceschet, 2005); however, I argued in chapter 7 that this issue requires a reappraisal: incorporating the activities of the younger, radical, autonomous branch of the movement. As Cornwall and Goetz argue, 'while representative democratic arenas have received the lion's share of attention, understanding women's political engagement requires that we pay closer attention to the other spaces – "new" democratic spaces as well as more "traditional" arenas outside the domain of formal politics' (2005: 783).

Having contextualised the formal institutional obstacles inherited by the feminist movement and its effects on the transition era political system, I explored in chapter 4 how an analysis of the formal obstacles alone does not provide a complete depiction of the lack of successful feminist policymaking in the area of SRH. Helmke and Levitsky argue that in order to understand the reasons for, or lack of, informal institutional change we must distinguish between the types of institution being examined. They posit that

"top down" or elite-created informal institutions, which are usually a product of strategic interaction among a relatively small number of actors, may be more susceptible to change than "bottom up," society wide informal institutions, which emerge in a more decentralised (and less conscious) manner through repeated interaction. Because coordination is often harder to achieve in larger groups, once an informal norm is in place, reorienting expectations around a new set of rules may prove difficult' (2006: 22).

I have argued that informal institutional change, insofar as formal and informal institutions shape and cement each other, is important to lasting, structural formal institutional change. In order to illustrate this point I used the example of the lack of (and unequal access to) a comprehensive programme of sexual education in schools and issues with access to Emergency Contraception. In the case of EC, the formal institution (of law) was reformed through the application of various endogenous tactics under the Bachelet government, such as the use of presidential veto, decree and urgency. However, as the informal norms were insufficiently challenged, many obstacles to access still remain. The debate in both the media and in parliament focused on whether or not the EC drug was abortive, while the focus on women's reproductive rights was largely overlooked; the result of this was a change in law without a change in the gender norms that justify and are justified by "pro-life" attitudes to EC. This can be seen in the obtrusive actions of many mayors who refuse to stock the drug based on the claim of conscientious objection regardless of the legal obligation. The example of the struggle to provide emergency contraception in all public health facilities highlights the powerful role of informal institutions *despite* reform of formal institutions.

This lends weight to my argument that informal institutional reform is crucial to long lasting structural change.

If, like formal institutions, informal institutions also rely on enforcement, then violations of these rules will illicit sanctions. Helmke and Levitsky argue that ‘informal sanctioning mechanisms are often subtle, hidden, and even illegal. They range from different forms of social disapproval...to extrajudicial violence’ (2006: 26). In chapters 4 and 5, I explored these forms of ‘social disapproval and extrajudicial violence,’ through an analysis of the ideology of the right (the informal institution) and the mechanisms of enforcement (sanctions) used by the “pro-life” sector to ensure the dominance of their position and discourse. For example, in chapter 4, I discussed different forms of social disapproval and extrajudicial violence in the hostile treatment of women in health facilities and at the hands of “pro-life” lawyers. I argued that the current framing of the abortion debate limits the scope of the contextual aspects of matters of SRH. For example, the mental health of women, when discussed at all, is treated as secondary to the needs of the foetus. Further, the refusal of doctors and health facility workers to provide healthcare until women confess to carrying out abortions, constitutes a form of extrajudicial violence and can be seen as a mechanism of informal institutional ‘social disapproval’ intended to enforce the adherence to established gender norms. The insecurity and clandestine nature of abortion and of forced pregnancy create a myriad of mental health problems. For women such as Karen Espindola, forced to bear her child against her will despite foetal complications, such treatment at the hands of the state constitutes torture. “Pro-life” organisations such as Chile Unido and Proyecto Esperanza exacerbate the problem by silencing and obscuring the damaging effect that forced pregnancy has on women (as noted in the UDP study 2013).

In order to address the question of why the feminist movement has not been able to successfully challenge the dominant conservative discourse surrounding SRH, in chapter 5 I analysed the formal and informal institutional mechanisms of enforcement. I argued that the combination of formal and informal institutions act as barriers to ‘pro-choice’ feminist reform as they combine to ensure the dominance of the conservative gender ideology upon which the “pro-life” discourse is reliant. I explored the formal obstacles created by the nature and role of SERNAM, the very institution responsible for the creation of gender equality. SERNAM has failed to meet the expectations of ‘pro-choice’ feminists as the institution has refused to deal with the issue of abortion, lending its support to issues considered less divisive and in keeping with the protection of the family (Waylen, 1997). Additionally, the nature of the electoral system has ensured the

continued over-representation of the Right wing and conservative sectors of society. The binomial voting system and the 'authoritarian enclaves' that it has produced within formal institutional politics have led to critique that the Chilean transition to democracy is an 'unfinished transition' (Aguero, 2003; Rios Tobar, 2002). Furthermore, since the transition to democracy, the women's movement arguably underwent a process of 'NGOisation' (Álvarez, 1999), with different NGOs competing with each other for government funding for projects. The largely professional 'women's movement' has been criticised for its integrationist approach and ceding of ideological ground to a succession of governments who have consistently refused to decriminalise abortion. For these reasons, many feel disillusioned with the possibilities for structural change from within the formal institutional political system.

In addition to the formal institutional obstacles to feminist 'pro-choice' advocacy, several informal institutions act as barriers to radical change. For example, the professional hierarchy of doctors, lawyers, university lecturers, academics and business elites play a large role in enforcing the dominant ideology from positions of influence and power in society. Attitudes surrounding issues of SRH in Chile can be largely viewed as emanating from a 'top-down' approach, as argued in chapter 5 in the discussion regarding the mechanisms of ideology. For example, "pro-life" organisations are largely constituted of middle and upper class members, with ties to the economic and political elite. The conservative dominated (duopoly) media is also linked to a network of economic elites and provides "pro-life" organisations with a sounding board for their ideas. The attempt to ensure comprehensive and effective sexual education in schools has been met with opposition from conservative sectors of society and right wing politicians; the outcome of this struggle has been a lack of uniform sexual education in addition to continued high rates of teenage pregnancy. The conservative opposition has arguably been based on the informal institution of traditional conservative ideology, which has continuously blocked attempts to improve the public system of sexual education in schools, thereby shaping the formal institutional response to matters of sexual and reproductive health. The role of the Catholic (and increasingly Evangelical) church in shaping the content of the abortion debate has had a detrimental effect on the ability of dissident voices to share their alternative views. The church has significant links and access to politicians and has played a central role in dictating the nature of the abortion debate in Chile through both its ties to politicians and economic and media elites (which are closely tied to one another). In using these examples, I argued that the basis, and indeed success of, conservative opposition is reliant upon a regulatory gender ideology, without which such

opposition would be ineffective. Therefore, challenging and deconstructing the informal institutions which allow conservative opposition to SRH is crucial.

The above discussion raises the question of the importance of this research. Having claimed that the deconstruction of a regulatory gender ideology is central to feminist advocacy, I highlighted the reasons for this through an analysis of the ways in which the conservative sector has strengthened its use of the foetal rights discourse. The aggressive application of this discourse has polarised the debate and displaced important discussions of women's rights, thereby overlooking the context within which women abort. The foetal rights discourse is dependent on a conservative, regulatory gender ideology in which female sacrifice for the sake of others is expected, all women are seen as potential mothers, and indeed motherhood is seen as the natural destiny for women; the rejection of these roles, then, is viewed as the ultimate rejection of womanhood. Subsequently, abortion is framed in terms of the protection of innocent, defenceless foetal life against the interests of selfish, individualistic women who reject their natural roles. I analysed the impact of the foetal rights discourse, which I argued is reliant on women's sacrifice and the inducement of guilt amongst women for the perceived 'violation' of innocent foetal rights. In chapter 6, I analysed the effects of the informal institutions of gender norms on the formal institutional responses to the abortion debate through an assessment of the appeals made to foetal rights in proposed political projects which emanated from both the Congress and Senate since the return to democracy until 2010.¹²⁸ In this chapter, I argued that the 'pro-choice' proposals failed in large part due to the effective enforcement of the foetal rights and traditional gender binary discourse that have limited the contextual aspects of the abortion debate.

The feminist debate explored in chapter 1 regarding the creation of individual rights helps highlight the ways in which the foetal rights discourse has been constructed to conflict with women's rights. This polarising framing limits the scope of debate and the possibility of constructive dialogue around the issue of abortion, which is reflected in the content of the political proposals analysed in chapter 6 (such as proposals which seek to erect monuments to the unborn, increase prison sentences for abortion, and alter the Constitution to make it even harder to reform the law). I argued in the previous chapter that the dominance of this discourse was due to the effective mechanisms of ideology, claiming that this informal institution feeds into and co-constitutes the manner in which political proposals are framed. We therefore cannot see informal

¹²⁸ The cut-off point was 2010; this date signifies when the projects were written, not when they were discussed.

and formal institutions as wholly separate entities and must focus our analyses on the interplay between the two. This analysis leads into the empirical case study found in chapter 7 in which I applied these findings to the work of the radical branch of the feminist 'pro-choice' movement and their work in challenging the informal institutions which shape the content and nature of the abortion debate in Chile.

Helmke and Levitsky argue that,

'there is a clear need...for greater attention to the questions of why and how informal rules change. Explorations into informal institutional change will almost certainly force scholars to think more seriously about their foundation. Identifying potential sources of change in informal institutions is, in effect, the flipside of specifying the mechanisms of institutions' reproduction or stability' (2006: 22).

Identifying the potential sources of change in informal institutions was the focus of chapter 7. I analysed how the radical, autonomous sector of the feminist movement in Chile is challenging the hegemonic power and dominance of the conservative "pro-life" discourse using forms of exogenous change. In order to support the argument that informal institutional change is of central importance, I examined the work and tactics of a section of the radical feminist movement in Chile today and the innovative measures they utilise in order to challenge, deconstruct, and destabilise the conservative control of the informal institutions of gender norms.

The purpose of the empirical analysis of the innovative tactics and theoretical perspective of the radical, autonomous 'pro-choice' sector was to evaluate what lessons could be drawn from their work. Through an analysis of the activism of groups such as Linea Aborto Chile and CUDS, it is clear to see that new forms of activism are changing the parameters and terms of politics. Baldez argues that 'the concept of [cultural] framing suggests that movement discourse is contingent and strategic' (2003: 256), which the work of the groups interviewed for this research supports. These groups have formulated tactics to deconstruct the dominant discourse of the "pro-life" sector and challenge the hegemony that certain groups traditionally held in interpreting the discourse. Their methods include providing information on how to abort, re-claiming symbols from the "pro-life" sector, and using new forms of information and communication technologies to disseminate their message across boundaries previously beyond reach.

One of the key aims of this thesis has been to deepen our understanding of the role of informal institutions (regulatory gender norms) and their impact on formal institutions, and the

implications of this for the long-term success of formal, structural reform. The research carried out for this thesis provides a reassessment of the Chilean feminist movement(s), incorporating radical feminist groups into the analysis; this is original within the scholarly debate in its examination of new tactics being used by the radical branch of the movement seeking to address the informal institutional obstacles of patriarchal gender norms and practices (as much work has focused on the role of formal institutional obstacles). Many have argued that the 'women's movement' in Chile lacks visibility and influence (Alvarez, 1999; Craske, 1998; Matear, 1997; Schild 1998), others such as Franceschet (2003) and Rios Tobar et al (2003) that the movement requires a new analysis that acknowledges the informal arenas in which women agitate. However, the calls for a new assessment of the movement do not incorporate third wave intersectional feminist groups into the analysis; indeed, with many continuing to refer to the movement(s) as a 'women's' movement, instead of a 'feminist' movement(s) (Franceschet, 2003). Further, I argued that in order to assess and measure the success of these movements and their tactics, it is imperative to understand the objectives of these groups. The feminist activists interviewed as part of this research identified reform of the conservative, regulatory gender ideology that restricts SRH as key to their work.

Additionally, these groups argued that a change in the formal institutional response was of almost secondary importance, and without a change in societal perception of SRH and women's roles, formal structural reform would likely prove ineffective. The autonomous, radical sector of the feminist movement(s) are not subject to the ceding of ideological ground in their activism; paired with the innovative use of ICTs affords these groups an instrumental position from which to struggle for change.

Several scholars have highlighted the need for feminist research of social movements as an important area in which greater analysis of emerging tactics is required (Friedman, 2005, 2007; Molyneux, 2013). As such, I have explored the ways in which sectors of the radical feminist movement have challenged the traditional obstacles to feminist activism. I contend that their use of new forms of information and communication technologies is beginning to provide a direct challenge to the specific forms of dominance that have acted as obstacles to feminist change historically. For example, due to the nature of ICTs they have the capacity to circumvent conservative media control due to their widely accessible nature; no longer do activists and dissidents have to rely on mainstream media coverage in order to share their message. ICTs have scope beyond the traditional borders of politics and thus beyond the traditional audience of

political debates. Also, dissident voices have traditionally struggled to make their political demands as heard as those of “pro-life” groups due to the unparalleled level of access that conservative insider groups enjoy within politics. However, this is gradually changing and becoming increasingly important as dissident voices are finding alternative platforms on which to raise their demands and directly connect with people. ICTs create the ability for more inclusive debates with a wider range of voices, the sharing of information banned by the government and examples of direct action such as the work of Linea Aborto Chile who tread a fine line between legality and illegality in providing information to women seeking their advice. Although this advice is technically legal such advice is not found in any formal institution, as the sale of the drug they advise women to take (Misoprostol) is illegal. Therefore, without radical organisations such as Linea Aborto, such emotional and practical support would be extremely difficult to find.

I argued that two elements are essential to challenging the informal institution of gender norms: deconstructing the regulatory gender ideology of the conservative sector, and creating meaningful alternatives in order to challenge the mechanisms of the conservative sector. I also argued that one of the reasons why the traditional Chilean women’s movement has been unable to enact change has been the lack of focus on the intersecting economic interests of women (and the division this causes) and the ways in which this division has obscured the gendered nature of abortion and sexual and reproductive rights. Throughout this thesis I have sought to understand why abortion continues to be illegal and what deters cross-class solidarity in Chile. I have argued that the economic divisions among women have acted as a constraint to a unified female support of reproductive rights, and have instead divided women over what is arguably at base an issue of gender inequality. I contended that the economic position of women greatly affects how women experience SRH; however, this in itself is a mechanism for ensuring that abortion remains illegal. By allowing access to abortion for a certain section of women, the impetus for change is reduced. I argue that this deconstructed analysis must be incorporated into the debate regarding abortion and SRH more widely. The work of these radical sectors of the feminist movement has focused on de-constructing the “pro-life” discourse. The activist group CUDS Chile have developed a critical analysis of the “pro-life” rhetoric in order to highlight the pervasive nature of such discourse. To do so, they have re-appropriated symbols from the “pro-life” discourse such as the foetus and applied this symbolism to their own alternative work, using the same logic to argue for the foetal right not to be born into inequality. They apply intersectional theoretical analyses to highlight the ways in which economic, racial and ethnic inequalities intersect with gender in Chile to oppress lower class women and provide middle and upper class women with opportunities to access SRH,

thereby allowing for the maintenance of a public discourse which condones abortion whilst allowing for private violations of such norms.

An exciting avenue for future research in this area will analyse the outcome of the proposed formal institutional reforms, assessing to what extent the informal institutions are effectively challenged and incorporated into reform. For example, I argued in chapter 7 that the proposal to decriminalise therapeutic abortion under the Bachelet government may be more detrimental than helpful to the 'pro-choice' movement since it may reduce the impetus for change whilst providing very little protection to women due to its extremely limited parameters. However, there is room for optimism; the *Nueva Mayoría* government under President Bachelet has proposed a variety of structural reforms which, at least in theory, attempt to tackle the core structural obstacles to progressive change in Chile. An example of this is the Constitutional reform, which may open avenues for increased Left wing and radical representation in Congress and Senate and the potential for these groups to promote policies that challenge the informal institutions that shape SRH.

This research has application beyond the case study of SRH in Chile. Analyses which assess the structural value of informal institutional change on formal responses can be applied to a variety of social issues such as marriage, divorce, gay rights, inheritance rights etc.; issues which are often regulated by a traditional gender ideology, the liberalisation of which is regularly met with conservative opposition. I have highlighted the ways in which informal norms inform formal responses to gender issues, arguing that in order to achieve long-lasting structural change we must focus on the norms which shape the content of laws. I have shown how those with greater power in society are able to interpret highly malleable human rights discourse in a manner that obscures women's rights. I therefore argued that the human rights discourse in its current formulation is insufficient in order to secure greater sexual and reproductive rights for women. I further showed how norms are relative and changeable, not static; there are several ways in which informal norms develop and evolve and we should not overlook the potential for seemingly unyielding norms to evolve.

An interesting area for future research will be how these forms of activism can be channelled and fortified to mount an inclusive and as far-reaching as possible opposition to the "pro-life" sector and conservative attitudes surrounding gender and SRH. I have argued that although autonomous activism is by no means new, the tactics, and their potential to reach beyond previously

insurmountable boundaries, are. The political activism of the radical feminist groups studied here is explicitly targeted at the informal institutions; however, these groups have repeatedly emphasised the interconnectedness of formal and informal institutions and the potential reach of their actions upon the formal institutional structures of power. New forms of activism are changing the parameters of politics, these forms of activism are directly challenging the informal institutions that shape women's experiences of SRH, and the tactics challenge many of the traditional obstacles to feminist activism. The foetal rights discourse is gaining ground across the world in "pro-life" organisations; therefore research that deconstructs this ideology and analyses effective forms of activism that challenge this discourse is imperative. I contend that the way forward to the legalisation of abortion must proceed via shifting the discourse surrounding sexual and reproductive health; creating new terms of engagement, opening avenues for intersectional analyses and de-constructing regulatory gender ideologies, thereby placing women at the centre of the debate.

Appendix 1 – Table 1: Laws that Regulate Abortion in Chile

Tabla 1 Normas que regulan el aborto en Chile		
Fuente	Descripción	Implicancias
Constitución Política 1980 Normas Constitucionales	Art. 19 N°1.- <i>"El derecho a la vida y a la integridad física y psíquica de la persona. La ley protege la vida del que está por nacer"</i> .	1. Asegura a todas las personas, el derecho a la vida y a la integridad física y psíquica, encomendando al legislador, la protección de la vida del que está por nacer. 2. Para un sector mayoritario, esta norma implica el reconocimiento del no nato como persona.
Código Penal	La legislación chilena penaliza el aborto en todas sus circunstancias. En los artículos 342-345 del Código Penal se establecen las hipótesis de pena, dependiendo si es realizado con o sin consentimiento de la mujer, con o sin violencia, o si lo realiza un facultativo. Las penas oscilan entre los 541 días a los 5 años, pena máxima tanto para la mujer como para un facultativo que lo realice.	No existe definición legal del comportamiento de aborto, quedando entregada tal labor a la interpretación de la doctrina y la jurisprudencia.
Normas del Código Civil	El artículo 75 otorga protección al no nato sin referir a una protección de la vida del nasciturus, sino más bien una protección de los derechos patrimoniales. El artículo 77 se refiere a diferir los derechos del que aun se encuentra en el vientre materno y que solo se harán efectivos una vez que el feto haya nacido y viviese.	Esta norma ha sido relevante en la interpretación del texto constitucional, pues en los procesos judiciales en contra de la anticoncepción de emergencia, jueces y abogados han inferido la condición de persona del no nato en consonancia con el artículo 55 del mismo Código Civil.
Normas Reglamentarias 2003	Norma, Decreto 216 del Ministerio de Salud que modificó la Ley General de Cementerios que permite la sepultación de restos fetales.	Esta norma podría permitir el reconocimiento de persona del no nato.
Protocolo sobre tratamiento humanizado del aborto 2009	El Ordinario A15/1675 Ministerio de Salud adoptó un protocolo sobre tratamiento humanizado del aborto.	Obliga a los jefes de servicios y los facultativos de los servicios públicos de salud en abstenerse de obtener confesiones a las mujeres que hayan llegado a los establecimientos de salud con signos de aborto incompleto inducidos con el objeto de asegurar la confidencialidad médico-paciente y cumplir con las observaciones realizadas por el Comité contra la Tortura al Estado de Chile.

Source: (FLACSO) 'Aborto en Chile: Aspectos Centrales de la Regulación Jurídica y Normativa' (04/12/2010). Pp. 1-17.

Appendix 2 – List of Participants and Interview Dates

Claudia Lagos Lira – Academic – 19th March 2012 – Santiago

Soledad Barria – Ex Minister of Health under Bachelet government and Spokeswoman for Miles Chile – 20th March 2012

Sandra Castañeda – Activist in Red de Salud and lawyer – 3rd April 2012

Claudia Dides – Academic and Spokeswoman for Miles Chile – Via email – 7th April 2012

Guillermo Galan – Doctor and member of APROFA Chile – 10th April 2012

Veronica “Coka” Ramos Diaz – Director of Catholics for the Right to Decide (CDD) – 11th April 2012

Gilda Luongo – ‘Pro-Choice’ academic, activist and member of feminist organisation La Morada – 18th April 2012

Adriana Gomez – Activist in Red de Salud and lawyer – 14th May 2012

Lidia Casa Becerra – Lawyer, academic, and activist – 15th May 2012 / 23rd May 2012

Karen Espindola – Woman denied a therapeutic abortion – Via email – 17th May 2012

Alejandro Serani – Doctor and academic at Los Andes Opus Dei University – 5th June 2012

Marta Godoy Carvajal – SERNAM – 6th June 2012

Jorge Reyes – Lawyer, “Pro-Life” lawyer, activist and member of Proyecto Esperanza (“Pro-Life” Group) – 7th June 2012

Marisa Matamala – Doctor, and feminist activist – 12th June 2012

Chile Unido (Veronica Hoffman) – “Pro-Life” organisation – 13th June 2012

Fernando Chomali – Arch Bishop of Concepcion – 21st June 2012

Moira Barrientos – Anthropologist and ‘pro-choice’ activist – 16th June 2012

Victoria Norambuena – Midwife – 19th June 2012

Anita Urrutia Vera – ‘Pro-choice’ activist – 21st June 2012

Sandra Invernizzi – Midwife – 27th June 2012

Gabriel Silber – Deputy (DC) – 11th July 2012

Maria Pilar – Gender specialist at Senate/Congress Library – 13th July 2012

Maria Antonieta Saa – Deputy (PS) – 20th July 2012

Veronica Schiappacasse – ‘Pro-Choice’ activist Pro de Salud – 3rd August 2012

Fernando Chahuan Chahuan – Senator (RN) – 7th August 2012

Guido Girardi Lavin – Senator (PPD) – 7th August 2012

Adriana Muñoz D’Albora – Deputy (PPD) – 8th August 2012

Patricio Walker – Senator (DC) – 8th August 2012

Accion Familia (Juan Antonio Montes) – “Pro-Life” organisation – 16th August 2012
Francisco Javier – Catholic Priest (Nuestro Señora Del Rosario) – 19th August 2012
ISFEM (Ismini Anastassiou) – “Pro-Life” women’s organisation – 27th August 2012
Idea País (Claudio Rojas) – “Pro-Life” organisation – 26th September 2012
Linea Aborto Chile (Angela Erpel Jara) – ‘Pro-choice’ activists – 27th September 2012
Adopción San Jose (Maria Fresia Ugalde) – “Pro-Life” adoption home -28th September 2012
Gaspar Rivas – Deputy (Independent) – 9th October 2012
Lily Perez – Senator (RN) – 9th October 2012
Ricardo Lagos Weber – Senator (PPD) – 16th October 2012
Izani Bruch – Evangelical Lutheran pastor – 21st October 2012
Jorge Grisalles (Nuestra Señora Del Carmen) – Catholic “Pro-Life” priest – 23rd October 2012
Soledad Diaz – ICMER – ‘Pro-choice’ organisation – 29th October 2012
Luis Figuera Alvarez – Head of Lutheran Church in Chile – 5th November 2012
Pastor Peña – Methodist Evangelical Priest – 12th November 2012
Camila Maturana – Corporación Humanas ‘pro-choice’ lawyers – 22nd November 2012
CUDS Chile – ‘Pro-choice’ activists – 4th March 2013

Appendix 3 – Example Emails Sent to Interviewees

Example Email Sent to a Catholic Priest Requesting an Interview

El 4 de octubre de 2012 13:44, <g.l.m.floyd@qmul.ac.uk> escribió:

Estimado Señor:

Mi nombre es Gina Floyd, soy estudiante de la Universidad de Londres. Estoy en Chile investigando para mi tesis doctoral, que consiste en analizar si el marco de los derechos humanos ha sido eficaz para abordar el tema del aborto.

Sería de gran ayuda poder reunirme con usted para conocer su visión sobre este tema, su opinión para mi es de especial relevancia dado su rol en el debate.

Le agradecería que aceptara mi invitación y espero que podamos organizar una reunión cuando le sea conveniente. Además, puedo enviarle mi carta de presentación de la Universidad de Londres. Mi número de celular es 66629782.

Atentamente,

Gina Floyd,

University of London.

Reply

Estimada Gina

Me es grato responder, como encargado de comunicaciones de la parroquia acuso recibo del presente, pero me asalta una duda: ¿Usted necesita entrevistarse con el párroco? o ¿o otro agente pastoral?

Aclarado eso, me comprometo personalmente a coordinar la solicitud y dirigirla a quien corresponda.

Le agradecería si me enviara sus antecedentes.

Con la mayor atención.

Andrés Ramírez Sánchez

Encargado de Comunicaciones y Formación.

Email sent to the secretary of Senator Ricardo Lagos Weber (after speaking with the Senator who informed me we could carry out an interview)

Mi nombre es Gina Floyd, soy estudiante de la Universidad de Londres (y amigo de Leonardo Estrade Brancoli que dijo que sería importante hablar con usted). Estoy en Chile investigando para mi tesis doctoral, que consiste en analizar si el marco de los derechos humanos ha sido eficaz para abordar el tema del aborto.

Sería de gran ayuda poder reunirme con usted para conocer su visión sobre este tema, junto con poder informarme más sobre los detalles de la discusión que se ha dado en el senado. Su opinión para mi es de especial relevancia dado su rol en el debate.

Le agradecería que aceptara mi invitación y espero que podamos organizar una reunión cuando le sea conveniente. Además, puedo enviarle mi carta de presentación de la Universidad de Londres. Mi número de celular es 66629782.

Atentamente,

Gina Floyd,

University of London.

Reply

Buenas Tardes señora Gina,

Junto con saludarla, informo a usted que el Senador Ricardo Lagos Weber podrá recibirla el próximo martes 16 de Octubre, a las 15:30 horas, en el Senado Valparaíso, piso 13. Por favor confirmar concurrencia e indicar un teléfono de contacto.

Atte.,

Ema Vásquez González

Secretaria Senador

Ricardo Lagos Weber

32-2504676

rlagos@senado.cl

Appendix 4 – Interview Questions for Politicians

Está de acuerdo en que grabe la entrevista y use la información en mi tesis doctoral?

Que entiende por el termino igualdad de género o de la Mujer? Que cosas son necesario?

Usted es feminista?

¿Cómo ve Usted el tema del aborto y los derechos de la mujer? ¿Están relacionados?

Me puede decir su postura respecto al aborto y cualquier problema ético que usted tiene con eso?

Me puede contar sobre su participación en el debate sobre el aborto en Chile mientras ha sido senador/diputado? Ha cambiado el foco/lenguaje del debate?

¿Por qué cree Usted que el aborto todavía es ilegal en Chile?

¿Cuáles cree que son las actitudes predominantes en la sociedad chilena en torno al aborto? ¿Se está a favor o en contra?

Chile es signatario de todos los principales acuerdos de derechos humanos. ¿Cree que el aborto es una cuestión de derechos humanos?

¿Piensa que el lenguaje de los derechos humanos es restrictivo o contradictorio?

Basa su oposición/apoyo al aborto en la idea de los derechos humanos?

Piensa que el sistema de derechos humanos es un sistema efectivo que toma en consideración el contexto social/económico/político dentro del cual la Mujer aborta?

Piensa que Chile es un país conservador?

Piensa que las mujeres políticas promueven asuntos feministas y derechos humanos de las mujeres?

Piensa que Chile es un país democrático?

Es el apoyo/rechazo de la ciudadanía de un tema un factor importante en sus acciones?

Piensa que los políticos deberían promover leyes a pesar de las demandas ciudadanas?

Ha propuesto algún proyecto que apunte a mejorar la educación sexual o acceso a anticoncepción?

Piensa que debería ser un mayor enfoque en la salud mental de mujeres? Y las consecuencias negativas de un embarazo forzado?

La Iglesia

De qué manera la Iglesia influencia la agenda política?

Es la influencia de la Iglesia en el tema del aborto directa o indirecta?

Asunto Económico

Se ha argumentado que los intereses económicos de la clase alta son un factor importante en mantener el aborto fuera de la agenda, ¿está de acuerdo con esto?

Según su opinión, ¿qué podría reducir el número de mujeres que recurren a abortos?

Cree que el aborto es un asunto de desigualdad económica?

La Píldora

¿Cree que la píldora y el aborto son temas diferentes?

¿Por qué cree que la píldora del día después fue legalizada?

Appendix 5 – Interview Questions for ‘Pro-Choice’ Social Movements

Está de acuerdo en que grave esta entrevista y use esta información en mi tesis doctoral?

Qué piensas acerca de la crítica de que el movimiento de mujeres no es visible (y / o efectivo / influyente)

Que te entiendes por visibilidad?

Como puede medir el éxito o visibilidad? Ves solo el éxito en términos de cambio de políticas?

Cree que es justo/correcto describirlo como un movimiento, o mejor como movimientos? No podemos homogenizar mujeres en un grupo?

Cuan conectado cree que el movimiento feminista se siente respecto a la política organizada?

Piensa que interactuar/trabajar con el gobierno es importante para alcanzar sus demandas?

Que entiende por político, que es política para ti? Puede la política ser entendida en términos de política partidaria institucionalizada?

Cuál es tu opinión sobre el movimiento de Mujeres en Chile, existe un fuerte mvmt? Hay un consenso sobre los temas? ((Necesita haber consenso para tener éxito en alcanzar las metas?))

Piensa que hay un problema con la falta de sensibilidad de género de otros movimientos sociales?

Piensa que las metas y métodos del movimiento de mujeres ha cambiado durante los últimos 10, 20 años? Hay un mayor enfoque en el lenguaje de los derechos humanos?

Son importantes las tecnologías en línea para presionar cambios en el gobierno/política?

Como mvmt social, cuales son los principales desafíos que tiene que afrontar? La falta de dinero es un problema, o encuentra otras maneras de superar esto? Sus métodos (de trabajo) dependen del dinero?

Piensa que un cambio social/cultural es más importante que enfocar la energía en hacer lobby en el gobierno? O piensa que el lobby político es la manera de medir el involucramiento político?

Cuán importante son los jóvenes para las demandas de tu organización? Y de que maneras se organizan y actúan los grupos de jóvenes para perseguir sus demandas?

Appendix 6 – Interview Questions for “Pro-Life” Doctors

Está de acuerdo en que grabe esta entrevista y use esta información en mi tesis doctoral?

Usted es miembro de la Academia Pontificia para la vida, me podría contar que es lo que hace y lo que hace la organización?

Quien financia las actividades de este grupo?

De qué manera la ideología Opus Dei influencia el trabajo y las ideas de la Universidad de los Andes? Como Influencia su trabajo?

Me puede decir su postura respecto al aborto (terapéutico) y cualquier problema ético que usted tiene con eso?

En que se basa su posición? Está influenciada por una teoría religiosa?

Por qué piensa que el aborto se ha mantenido ilegal a pesar de su apoyo público a su liberalización?

Cuáles son los principales argumentos médicos a favor y en contra de la legalización del aborto?

Cuáles son los principales efectos secundarios y consecuencias de la ilegalidad del aborto en Chile, de lo que ha podido observar como un médico?

¿Por qué cree que el aborto todavía es ilegal en Chile? Y Cuales cree que son los factores principales de por qué el aborto no se ha legalizado?

Por qué cree que es importante no legalizar el aborto terapéutico o aborto?

¿El aborto es una cuestión de derechos humanos? Cómo ve el tema del aborto y los derechos de la mujer, Están relacionados?

¿Piensa que existe un fuerte movimiento de doctores en contra del aborto? Y cree que el apoyo de los doctores es esencial para la mantención del aborto ilegal?

Cuán importante es la salud mental en el debate sobre el aborto para aquellos que están en contra de la despenalización del aborto?

Existe un consenso general entre el mundo médico en cuanto al inicio de la vida?

Que significa 'la muerte natural'? Cree usted en la intervención médica?

Cree que los doctores deben tener el derecho a una objeción de conciencia ilimitada? Cuál debería ser el límite?

Cree usted que analizar el aborto solamente desde una perspectiva médica es suficiente?

Hasta qué punto la comunidad científica influencia las políticas en asuntos relacionados con los derechos reproductivos?

De qué manera la Iglesia Católica influencia la medicina?

Qué rol tiene la Iglesia en su clínica y en su universidad? Hay alguna participación directa?

La Iglesia y el Estado

Piensa que Chile es un país democrático?

Piensa que la Iglesia en Chile todavía mantiene una directa influencia en el Estado y sus políticas?

Piensa que debería haber una mayor separación entre la Iglesia y el Estado?

Cree que el estado debería ser laico?

Framework

Si uno de los argumentos es salvar la vida de un inocente, por que las mujeres violadas no son consideradas inocentes?

Usted ve su trabajo como médico desde una perspectiva de derechos humanos?

Que piensa sobre el argumento que dice que las mujeres no pueden ser ciudadanos de igual y total derecho sin tener el derecho a decidir asuntos que tienen relación con sus propios cuerpos, sus futuros y sus vidas?

Cómo se debate el aborto en la profesión médica? Hay otras influencias éticas (o argumentos religiosos) que participan en la discusión?

En qué medida cada médico tiene la libertad de objeción de conciencia?

Cree que el aborto es una cuestión de desigualdad?

Según su opinión, ¿qué podría reducir el número de mujeres que recurren a abortos?

La Píldora del día después

Está de acuerdo con la píldora del día después? O cree que es abortiva?

Cómo funciona el método de tomar el Misoprostol? Hay posibles efectos secundarios negativos?

Cómo se diferencia desde el punto de vista sanitario, de tomar la píldora del día después?

¿Cómo se accede la píldora del día después? ¿Es claro y evidente?

Ha tenido la legalización de la distribución de la píldora del día después un efecto deseado de reducir la tasa de abortos provocados? Existe alguna relación entre los dos?

¿Cree que la píldora del día después y el aborto son temas diferentes?

¿Por qué cree que la píldora del día después fue legalizada?

¿Cuáles son los diferentes problemas éticos con respecto al aborto que, o bien no se aplican a la píldora del día después o que fueron superados con más facilidad?

¿Por qué cree que es importante que el aborto y aborto terapéutico no sea legal?

Appendix 7 – Interview Questions for “Pro-Life” Organisations

Estás de acuerdo en que grabe esta entrevista y use esta información en mi tesis doctoral?

Me podría contar un poco sobre lo que hace su organización y el rol que juega en el debate de los derechos reproductivos de la mujer?

Me puede decir su postura respecto al aborto y cualquier problema ético que tiene con eso?

En que se basa la posición de su organización? Está influenciada por una doctrina y una teoría religiosa?

¿Por qué cree Usted que el aborto todavía es ilegal en Chile? Y Cuales cree que son los factores principales de por qué el aborto no se ha legalizado?

Porque no cree que sea importante legislar sobre el aborto terapéutico cuando su estudio muestra que la mayoría de gente están de acuerdo con ese tipo del aborto?

Cree que el aborto es un asunto de desigualdad económico?

Aplican ustedes el marco de derechos humanos en su trabajo?

Cree usted que el aborto es una cuestión de derechos humanos?

¿Cree que el lenguaje de los derechos humanos es restrictivo?

Qué rol tiene la Iglesia en su organización? Hay alguna participación directa?

Cuan fácil es para su organización tener acceso a los políticos?

La organización tiene algún vínculo político?

En qué manera difunden su mensaje?

Por qué piensa que las mujeres abortan?

Alguna gente argumenta que hay varias complicaciones post aborto tanto para hombres y mujeres, por qué piensa que pasa esto?

Que significa ‘la muerte natural? Cree usted en la intervención médica (quimioterapia, medicamentos, etc.? Porque eso no es muerte natural). Si Dios ha planeado para que alguien muera, que derecho tenemos en extender sus vidas?

Cree usted que el lenguaje de los derechos humanos tiene en cuenta la complejidad de la situación? Por ejemplo, puede decir que son demasiado abstractos para incluir el contexto social, político y económico en el que las mujeres recurren al aborto?

Como fue que el último proyecto de ley sobre aborto pudo entrar en la agenda política? Fue un resultado de lobby o fue puramente una propuesta partidaria interna?

Como se ha mantenido el tema del aborto fuera de la agenda política?

De qué manera la Iglesia influencia la agenda política?

Es la influencia de la Iglesia en el tema del aborto directa o indirecta? Y cómo se expresa y actúa esta oposición?

The Church and the State

Piensa que Chile es un país democrático?

Piensa que debería haber una mayor separación entre la Iglesia y el Estado?

Cree que el estado debería ser laico?

Piensa que la Iglesia en Chile todavía mantiene una directa influencia en el Estado y sus políticas?

Derechos Humanos y Derechos de la Mujer

¿Qué cree que significa la igualdad de las mujeres? ¿Qué implica?

Que piensa sobre el argumento y demanda que dice que las mujeres no pueden ser ciudadanos de igual y total derecho sin tener el derecho a decidir asuntos que tienen relación con sus propios cuerpos, sus futuros y sus vidas?

Cree que los hombres y mujeres son iguales ante la ley en Chile?

Cuál es su posición sobre los derechos individuales? ¿Cree usted que toda la gente debe ser protegida por los derechos individuales tal como se establece en los tratados de derechos humanos?

Cree usted que los derechos humanos deben ser culturalmente sensibles, o cree usted que deberían existir normas internacionales?

Educación Sexual

Me podría decir cuál es el nivel y cantidad de educación sexual en Chile?

Piensa que debería haber una mayor educación sexual en los colegios?

Que propondría usted para reducir la tasa de embarazos no deseados?

¿Qué crees que podría evitar la crisis de salud pública que el carácter ilícito del aborto crea?

Hay alguna iniciativa que usted conozca para ampliar la educación sexual, reducir el precio de anticonceptivos, o proporcionar beneficios y apoyo a las mujeres de clase baja con familias numerosas?

Por qué cree que el aborto debería permanecer ilegal?

La píldora del día después

Usted ve el anticonceptivo de emergencia y el aborto como cuestiones éticamente diferentes? Si es así, en qué manera? Son temas diferentes?

Piensa que la píldora del día después debería estar disponible en todos los recintos hospitalarios públicos?

¿Qué tan importante cree que es el "marco estratégico" en el debate sobre el aborto?

¿Por qué cree que la píldora del día después fue legalizada?

Appendix 8 – Interview Questions for ‘Pro-Choice’ Politicians, Doctors, and Academics

Estás de acuerdo en que grabe esta entrevista y use esta información en mi tesis doctoral?

Cuál es su profesión?

Cuál es su clase socio económica?

Me podría contar un poco sobre lo que hace su organización y el rol que juega en el avance de los derechos de la mujer?

Me podría contar un poco sobre las experiencias o historias de las mujeres con las que ha trabajado el tema de salud reproductiva? (Por ejemplo, acceso a anticonceptivos, aborto clandestino, acceso a la píldora del día después, problemas psicológicos).

Piensa que la salud reproductiva es vivida de manera distinta para las mujeres de regiones que viven fuera de Santiago?

Cuáles son los mayores obstáculos que tienen las mujeres en los pueblos para acceder a la salud reproductiva?

Cuál es la calidad y cantidad de los servicios reproductivos públicos en su ciudad/área?

Cuáles son los mayores problemas que las mujeres acá enfrentan?

¿Cuáles son los principales obstáculos que enfrentan los jóvenes en lo que respecta a la salud reproductiva / ¿Están bien informados acerca de la salud reproductiva?

Qué cree que tiene que suceder para poder cambiar la situación?

¿Cree usted que es la responsabilidad del gobierno o cree que la sociedad civil debe tener un papel más importante en la conformación de las políticas reproductivas?

Cree usted que la religión en Chile forma el contenido de la salud reproductiva?

Aplica usted el marco de derechos humanos en su trabajo?

¿Cuáles cree que son las actitudes predominantes en la sociedad chilena en torno al aborto? ¿Se está a favor o en contra?

¿Cree que la pobreza es un factor importante en la decisión de muchas mujeres para abortar?

Según su opinión, ¿qué podría reducir el número de mujeres que recurren a abortos?

¿Por qué cree Usted que el aborto todavía es ilegal en Chile?

¿Cuáles cree Usted que son los factores principales de por qué el aborto no se ha legalizado?

¿El aborto es una cuestión de derechos humanos? ¿Cómo ve Usted el tema del aborto y los derechos de la mujer? ¿Están relacionados? Si es así, ¿de qué manera?

¿Cree que el lenguaje de los derechos humanos es restrictivo / polarizador?

¿Cree que enmarcarlo como un asunto de derechos humanos es eficaz para las mujeres?

¿Cree que la convención de CEDAW es eficaz en la promoción / supervisión de la implementación de los derechos de las mujeres? De lo contrario, ¿por qué cree que no?

¿Cree que la forma de enmarcar el tema del aborto dentro del lenguaje de los derechos humanos es un obstáculo? (Debido a que el efecto polarizador que ese lenguaje tiene sobre el tema - la madre contra feto)

Porqué cree que es importante legalizar el aborto terapéutico, cuando muchos doctores han argumentado que ya existen formas de aborto terapéutico en Chile lo cual lo hace suficiente?

¿Hasta qué punto cree que la Iglesia Católica en Chile influye en el caso del aborto? ¿En la política y en la vida privada de las personas?

¿Piensa que existe un fuerte movimiento de mujeres (o movimiento público/apoyo) a favor del aborto? Cree que el apoyo popular es esencial para el éxito de la legislación?

¿Cree usted que la estrategia más efectiva es un enfoque paso a paso o por el contrario, que el movimiento pro-aborto no debería ceder terreno ideológico a las fuerzas conservadoras?

¿Cree que debería haber una estricta división entre Iglesia y Estado, especialmente en materia de política pública en torno a la salud?

¿Cree que la despenalización (legalización) del aborto ayudaría a evitar la "crisis de salud pública" que el carácter ilícito del aborto produce en Chile? De lo contrario, ¿qué alternativas de solución que propondría Usted?

Economic Class Division

¿Cómo cree que se diferencian las experiencias de un aborto para una mujer de clase media y alta, y aquella de una mujer de clase baja?

Se ha argumentado que los intereses económicos de la clase política son un factor importante en mantener el aborto fuera de la agenda, ¿está de acuerdo con esto?

La Píldora del día después

¿Cómo se accede al Anticonceptivo de Emergencia? ¿Es claro y evidente?

¿Cree que el Anticonceptivo de Emergencia y el aborto son temas diferentes? En caso de serlo, ¿por qué?

¿Por qué cree que el anticonceptivo de emergencia fue legalizado?

¿Cuáles son los diferentes problemas éticos con respecto al aborto que, o bien no se aplican a la píldora del día después o que fueron superados con más facilidad?

¿Cómo es que la legislación de la píldora del día después durante la gestión de Bachelet pudo pasar con éxito, cuando los argumentos en contra del aborto son los mismos argumentos que usaron los representantes de la Iglesia Católica? (Que el momento de la concepción parte desde la relación sexual) ¿Cuál es la diferencia acerca de este tema?

Qué lecciones se han aprendido a raíz de la legalización de la píldora del día después? Cree que se podrían aplicar exitosamente al caso y debate del aborto?

¿Qué tan importante cree que es el "marco estratégico" en el intento de reformar la política sobre el aborto? ¿Qué tan importante fue el marco estratégico que se utilizó en los debates respecto al anticonceptivo de emergencia (píldora del día después)?

¿Por qué cree que es importante que el aborto sea legal?

Cree que el SERNAM juega un rol importante en el avance de los derechos de las Mujeres? En que manera?

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MUJERES QUE NO ACCIERON A LA PILDORA DE EMERGENCIA (PAE) EN SERVICIOS PUBLICOS DE SALUD (ABRIL 2011-JULIO 2012)

RS = Relación Sexual

MAC = Método Anticonceptivo

PAE = Píldora Anticonceptiva de Emergencia

Nº	CONSULTA PROSALUD	NOMBRE	EDAD	¿POR QUE SOLICITA PAE?	RESPUESTA SERVICIO DE SALUD	OBS. E INDICACIONES
1	13.4.2011	ANA	23	SE SALIO EL CONDON EL 13.4.11	CONS. EL AGUILUCHO Y HOSPITAL METROPOLITANO DE PROVIDENCIA NO SE LA DIERON.	IND: CONSEJERIA Y RECETA DE PAE EN PROSALUD
2	5.5.2011	GERALDINE	19	RS SIN MAC EL 3.5.11	CONS. MAIPU DE MAIPU, NO SE LA DIERON PORQUE NO TIENEN LA PAE Y LE NIEGAN ATENCION CON MATRONA.	IND: CONSEJERIA Y RECETA DE PAE EN PROSALUD
3	14.7.2011	CAMILA	19	SE ROMPIO EL CONDON EL 14.7.11	CONS. SANTA ISABEL DE PROVIDENCIA, NO SE LA DIERON.	IND: CONSEJERIA Y RECETA DE PAE EN PROSALUD
4	12.8.2011	KATHERINE	19	SE ROMPIO EL CONDON EL 12.8.11	CONS. MAFIOLETTI DE LA FLORIDA, NO SE LA DIERON PORQUE SOLO LA DAN EN CASO VIOLACION.	VIENE CON SU PAREJA IND: CONSEJERIA Y RECETA DE PAE EN PROSALUD
5	12.8.2011	KATHERINE	25	RS SIN MAC Y USÓ MAL EL CONDON EL 12.8.11	CONS. GARIN DE QUINTA NORMAL NO SE LA DIERON PORQUE NO ESTABA INSCRITA.	VIENE CON AMIGA IND: CONSEJERIA Y RECETA DE PAE EN PROSALUD
6	16.8.2011	PLUVIA	17	OLVIDO DE 4 PILDORAS EL 16.8.11	CONS. Nº 1 DE SANTIAGO. NO SE LA DIERON, LE DIERON QUE TENIA QUE PEDIR HORA CON MATRONA, FUE DOS VECES.	COLEGIO EN TOMA IND: CONSEJERIA Y RECETA DE PAE EN PROSALUD
7	16.8.2011	PLUVIA	17	OLVIDO DE 4 PILDORAS EL 16.8.11	CONS. Nº 1 DE SANTIAGO. NO SE LA DIERON, LE DIERON QUE TENIA QUE PEDIR HORA CON MATRONA, FUE DOS VECES.	COLEGIO EN TOMA IND: CONSEJERIA Y RECETA DE PAE EN PROSALUD
8	17.8.2011	CAROLINA	17	SE ROMPIO EL CONDON EL 14.8.11	CONS. LA FAENA DE PENALOLEN, NO SE LA DIERON POR SER MENOR DE EDAD Y EN EL CONS. PUEBLO DE LO ESPEJO, NO SE LA DIERON PORQUE NO LA DABAN Y QUE FUERA A UN CENTRO PRIVADO.	VIENE CON AMIGA. IND: CONSEJERIA Y RECETA DE PAE EN PROSALUD
9	29.8.2011	KARLA	14	RS SIN MAC EL 27.8.11	CONS. SAN JOAQUIN DE SAN JOAQUIN, NO SE LA DIERON Y LA CITARON CON SUS PADRES.	VIENE CON PRIMA DE 19 AÑOS. IND: CONSEJERIA Y RECETA DE PAE EN PROSALUD

Nº	CONSULTA PROSALUD	NOMBRE	EDAD	¿POR QUE SOLICITA PAE?	RESPUESTA SERVICIO DE SALUD	OBS. E INDICACIONES
10	7.9.2011	FRANCISCA	17	RS SIN MAC EL 4.9.11 (PRIMERA)	CONS. PADRE HURTADO DE PUENTE ALTO , NO SE LA DIERON Y LA CITARON PARA EL 14.9.2011.	VIENE CON POLOLO. IND: CONSEJERIA Y RECETA DE PAE EN PROSALUD
11	11.9.2011	ELYZABETH	23	RS SIN MAC EL 11.9.11	CONS. MANUEL BUSTOS DE QUILICURA , NO SE LA DIERON POR NO TENER FICHA Y POR PERTENECER A ISAPRE.	IND: CONSEJERIA Y RECETA DE PAE EN PROSALUD
12	30.9.2011	MONTSERRAT	26	RS SIN MAC EL 29.9.2011	CONS. Nº 1 DE SANTIAGO , NO SE LA DIERON PORQUE NO HABIA MATRONA Y PORQUE NO ESTABA INSCRITA.	IND: CONSEJERIA Y RECETA DE PAE EN PROSALUD
13	3.10.2011	CAMILA	24	RS SIN MAC EL 3.10.2011	CONS. SALVADOR BUSTOS DE NUNOA , NO SE LA DIERON PORQUE NO ESTABA INSCRITA.	IND: CONSEJERIA Y RECETA DE PAE EN PROSALUD
14	4.10.2011	FERNANDA	16	SE LE QUEDÓ EL CONDON DENTRO DE LA VAGINA	CONS. PABLO NERUDA DE LO PRADO , NO SE LA DIERON PORQUE ERA ISAPRE, TENIA QUE PAGAR \$7.000 Y COMPRAR LA PAE.	VIENE CON SU PAREJA IND: CONSEJERIA Y RECETA DE PAE EN PROSALUD
15	7.10.2011	MACARENA	16	TUVO RELACIONES SEXUALES Y SE LE ROMPIO EL CONDÓN EL 7.10.2011	EL 7.10.2011 FUE AL CONSULTORIO RECREO DE SAN MIGUEL . LA MATRONA NO LE DIO LA PAE. LE ENTREGO UNA RECETA PARA COMPRARLA EN LA FARMACIA.	CONSEJERIA Y RECETA DE PAE EN PROSALUD
16	4.11.2012	CAMILA	20	TUVO RELACIONES SEXUALES SIN USAR UN MAC EL 4.11.2011	EL 4.11.2011 FUE AL CONSULTORIO CAROL URZUA Y AL SAPU DE PENALOLEN . EN AMBOS CENTROS NO SE LA DIERON PORQUE ELLOS NO LA DABAN Y LA DERIVARON AL HOSPITAL CORDILLERA.	CONSEJERIA Y RECETA DE PAE EN PROSALUD
17	7.11.2011	LORETO	25	TUVO RELACIONES SEXUALES SIN USAR UN MAC EL 6.11.2011	EL 7.11.2012 FUE AL CONSULTORIO EL AGUILUCHO DE PROVIDENCIA . LE DIERON QUE EN LA COMUNA NO DABAN LA PAE.	CONSEJERIA Y RECETA DE PAE EN PROSALUD

Nº	CONSULTA PROSALUD	NOMBRE	EDAD	¿POR QUE SOLICITA PAE?	RESPUESTA SERVICIO DE SALUD	OBS. E INDICACIONES
18	2.12.2011	VALERIA	14	TUVO RELACIONES SEXUALES SIN USAR UN MAC EL 29.11.2011	EL 1.12.2011 LA MAMA DEL POLOLO DE VALERIA (8:00 HRS) Y LA MAMA DE VALERIA (11:30 HRS) FUERON AL CONSULTORIO ALEJANDRO DEL RIO ("AMIGABLE") DE PUEENTE ALTO . MATRONA Y "SEÑORA DE LA VENTANILLA" (RESPECTIVAMENTE) LES DIJERON QUE VALERIA VOLVIERA CON LA REGLA. NO LE DIERON LA PAE. AMBAS MAMAS ESTAN INSCRITAS EN EL CONSULTORIO.	CONSEJERIA Y RECETA DE PAE EN PROSALUD A LA MAMA DE VALERIA. ELLA NO VIENE PORQUE ESTA EN CLASES
19	13.3.2012	MARIA JOSÉ	25	TUVO RELACIONES SEXUALES SIN USAR UN MAC EL 12.3.2012	EL 12.3.2012 FUE AL SAPU DEL CONSULTORIO JUAN PABLO II DE PADRE HURTADO . PERSONAL ADMINISTRATIVO LE RESPONDIO QUE SOLO DABAN LA PAE EN CASOS DE VIOLACION.	CONSEJERIA Y RECETA DE PAE EN PROSALUD
20	20.3.2012	CAROLINA	17	TUVO RELACIONES SEXUALES SIN USAR UN MAC EL 18.3.2012	EL 19.3.2012 FUE AL CONSULTORIO RECOLETA ("AMIGABLE") DE RECOLETA . PERSONAL ADMINISTRATIVO LE DIJO QUE NO SE LA PODIA DAR PORQUE NO TENIA FICHA Y TENIA QUE PEDIR HORA CON LA MATRONA.	CONSEJERIA Y RECETA DE PAE EN PROSALUD
21	2.4.2012	DANIELA	23	TUVO RELACIONES SEXUALES SIN USAR UN MAC EL 1.4.2012	EL 2.4.2012 FUE AL CONSULTORIO PUDAHUEL ESTRELLA ("AMIGABLE") DE PUDAHUEL . LA AUXILIAR LA REFIRIO A URGENCIA DEL HOSPITAL Y LE DIJO QUE MATRONAS NO TENIAN HORA DE ATENCION Y QUE PIDIERA HORA PARA OTRO DIA.	CONSEJERIA Y RECETA DE PAE EN PROSALUD
22	2.4.2012	FRANCISCA	16	TUVO RELACIONES SEXUALES SIN USAR UN MAC EL 1.4.2012	EL 1.4.2012 FUE AL CONSULTORIO HUAMACHUCO ("AMIGABLE") DE RENGA . EL MEDICO LE DIJO QUE NO ERA GINECOLOGO Y NO LE PODIA HACER LA RECETA.	VIENE LA PAREJA CONSEJERIA Y RECETA DE PAE EN PROSALUD

Nº	CONSULTA PROSALUD	NOMBRE	EDAD	¿POR QUE SOLICITA PAE?	RESPUESTA SERVICIO DE SALUD	OBS. E INDICACIONES
23	4.4.2012	FANNY	21	TUVO RELACIONES SEXUALES Y SE LE ROMPIO EL CONDÓN EL 3.4.2012	EL 4.4.2012 FUE AL CONSULTORIO SANTA ANITA DE LO PRADO . LE DIJERON QUE QUEDABA UNA SOLA PAE Y QUE LA TENIAN PARA ALGUN CASO DE VIOLACION.	CONSEJERIA Y RECETA DE PAE EN PROSALUD
24	4.4.2012	CATALINA	19	TUVO RELACIONES SEXUALES Y SE LE ROMPIO EL CONDÓN EL 3.4.2012	EL 4.4.2012 FUE AL CESFAM PADRE GERARDO WHELAN DE PEÑALOÉN . EL PARAMÉDICO DEL SECTOR 17 LE DIJO QUE DEBIA INVENTAR UNA HISTORIA DE ABUSO SEXUAL O SINO ERA DIFÍCIL QUE SE LA DIERAN.	CONSEJERIA Y RECETA DE PAE EN PROSALUD
25	9.4.2012	ALEJANDRO (Y SU PAREJA DE 18 AÑOS)	18	TUVO RELACIONES SEXUALES Y SE LE ROMPIO EL CONDÓN EL 8.4.2012	EL 8.4.2012 FUE AL SAPU DEL CONSULTORIO ROSITA RENARD DE NUNOA . ALLI NO LE ENTREGARON LA PAE, NI LA RECETA Y LO DERIVARON AL HOSPITAL LUIS TISNE DE PEÑALOÉN . EN EL HOSPITAL LE NEGARON LA ATENCION PORQUE ERA HOMBRE.	CONSEJERIA Y DERIVACION A FARMACIA PARA COMPRAR LA PAE
26	10.4.2012	SILVANA	19	TUVO RELACIONES SEXUALES SIN USAR UN MAC EL 8.4.2012	EL 9.4.2012 FUE A 2 CONSULTORIOS. EL ABRAZO DE MAPU Y SAN JOSE DE CHUCHUNCO DE ESTACION CENTRAL . EN AMBOS, EL PERSONAL ADMINISTRATIVO LE DIJO QUE NO SE LA PODIAN DAR PORQUE NO ESTABA INSCRITA.	CONSEJERIA Y RECETA DE PAE EN PROSALUD
27	10.4.2012	MARIA FERNANDA	19	TUVO RELACIONES SEXUALES SIN USAR UN MAC EL 8.4.2012	EL 8.4.2012 FUE CON SU PAREJA AL CONSULTORIO LOS CASTAÑOS DE LA FLORIDA . LA AUXILIAR LE DIJO QUE AHÍ NO SE DABA. EL 10.4.2012 FUE AL CONSULTORIO DR. IVAN INSUNZA DE MAIPU. LA AUXILIAR LE DIJO QUE TENIA QUE PEDIR HORA CON LA MATRONA	CONSEJERIA Y RECETA DE PAE EN PROSALUD
28	27.4.2012	NANCY	19	TUVO RELACIONES SEXUALES SIN USAR UN MAC EL 26.4.2012	EL 27.4.2012 FUE AL CONSULTORIO VIOLETA PARRA DE PUDAHUEL . PERSONAL ADMINISTRATIVO LE DIJO QUE NO HABIA HORA MATRONA POR SER FIN DE MES.	CONSEJERIA Y RECETA DE PAE EN PROSALUD

Nº	CONSULTA PROSALUD	NOMBRE	EDAD	¿POR QUE SOLICITA PAE?	RESPUESTA SERVICIO DE SALUD	OBS. E INDICACIONES
29	27.4.2012	FABIAN (Y SU PAREJA DE 19 AÑOS)	25	TUVO RELACIONES SEXUALES SIN USAR UN MAC EL 26.4.2012	EL 26.4.2012 FUE AL CONSULTORIO LOS CASTAÑOS DE LA FLORIDA . PERSONAL ADMINISTRATIVO LE DIJO QUE NO HABIA HORA MATRONA.	CONSEJERIA Y DERIVACION A FARMACIA PARA COMPRAR LA PAE
30	28.5.2012	ELIZABETH	19	TUVO RELACIONES SEXUALES Y SE LE ROMPIO EL CONDÓN EL 27.5.2012	EL 28.5.2012 FUE AL CONSULTORIO BELLAVISTA DE LA FLORIDA . LA RECEPCIONISTA LE DIJO QUE TENIA QUE PEDIR HORA CON LA MATRONA, YA QUE NO HABIA ESE DIA.	CONSEJERIA DE PAE EN PROSALUD
31	7.6.2012	CLAUDIO	19	TUVO RELACIONES SEXUALES SIN USAR UN MAC EL 7.6.2012	EL 7.6.2012 FUE CON SU POLOLA AL CONSULTORIO LOS QUILLAYES DE LA FLORIDA . LA SECRETARIA LE DIJO QUE TENIA QUE INVENTAR UNA HISTORIA DE VIOLACION PARA LA ENTREGA DE PAE.	CONSEJERIA Y DERIVACION A FARMACIA PARA COMPRAR LA PAE
32	8.6.2012	FRANCISCA	15	TUVO RELACIONES SEXUALES SIN USAR UN MAC EL 7.6.2012	EL 8.6.2012 FUE AL CONSULTORIO MAIPU (AL LADO DEL HOMECENTER POR PAJARITOS) DE MAIPU . LA SECRETARIA LE DIJO QUE NO LE PODIAN DAR LA PAE PORQUE ERA ISAPRE Y ADEMÁS TENIA QUE PEDIR HORA PARA OTRO DIA Y CANCELAR LA CONSULTA.	CONSEJERIA Y DERIVACION A FARMACIA PARA COMPRAR LA PAE
33	21.6.2012	BARBARA	28	TUVO RELACIONES SEXUALES SIN USAR UN MAC EL 20.6.2012	EL 21.6.2012 FUE AL CONSULTORIO MICHELLE BACHELET DE CONCHALI . LA SECRETARIA DE INFORMACIONES LE DIJO QUE ESTABAN COLAPSADOS, QUE DEBIA PEDIR HORA Y VOLVER OTRO DIA.	CONSEJERIA Y DERIVACION A FARMACIA PARA COMPRAR LA PAE
34	7.7.2012	NICOLAS	20	TUVO RELACIONES SEXUALES SIN USAR UN MAC EL 6.7.2012	EL 7.7.2012 FUE AL SAPU LAS CONDES (LA ESCUELA 1229) DE LAS CONDES Y LA RECEPCIONISTA LE DIJO QUE AUN NO COMENZABAN A DISTRIBUIR LA PILDORA.	CONSEJERIA Y DERIVACION A FARMACIA PARA COMPRAR LA PAE
35	9.7.2012	DANIELA	22	TUVO RELACIONES SEXUALES SIN USAR UN MAC EL 8.7.2012	EL 9.7.2012 FUE AL CONSULTORIO ROSITA RENARD DE NUNOA (DONDE SE CONTROLA) Y LA RECEPCIONISTA LE DIJO QUE SE ENTREGABA SOLO EN CASOS DE VIOLACION.	CONSEJERIA Y DERIVACION A FARMACIA PARA COMPRAR LA PAE

Nº	CONSULTA PROSALUD	NOMBRE	EDAD	¿POR QUE SOLICITA PAE?	RESPUESTA SERVICIO DE SALUD	OBS. E INDICACIONES
36	19.7.2012	KATHERINNE	33	TUVO RELACIONES SEXUALES Y SE LE ROMPIO EL CONDÓN EL 18.7.2012	EL 19.7.2012 FUE AL CONSULTORIO SANTA ANITA DE LO PRADO (DONDE SE CONTROLA) Y LA RECEPCIONISTA LE DIJO QUE NO HABÍA MATRONA DISPONIBLE. NI STOCK DE PAE.	CONSEJERIA Y DERIVACION A FARMACIA PARA COMPRAR LA PAE
37	13.8.2012	DANIELA	21	TUVO RELACIONES SEXUALES Y SE LE ROMPIO EL CONDÓN EL 12.8.2012	EL 13.8.2012 FUE AL CONSULTORIO Nº 5 DE SANTIAGO Y LA RECEPCIONISTA Y LA MATRONA LE DIJERON QUE NO LE PODIAN DAR LA PAE PORQUE NO ESTABA INSCRITA Y DEBERIA HABERLO PENSADO ANTES.	CONSEJERIA Y DERIVACION A FARMACIA PARA COMPRAR LA PAE
38	22.8.2012	MARCELA	19	TUVO RELACIONES SEXUALES Y SE LE ROMPIO EL CONDÓN EL 22.8.2012	EL 23.8.2012 FUE AL CONSULTORIO LOS CASTANOS DE LA FLORIDA Y LA RECEPCIONISTA Y LA MATRONA LE DIJERON QUE NO LE PODIAN DAR LA PAE PORQUE HABIAN PASADO MÁS DE 2 HORAS DESDE QUE OCURRIO LA RELACION SEXUAL.	CONSEJERIA Y DERIVACION A FARMACIA PARA COMPRAR LA PAE
39	5.9.2012	MACARENA	20	TUVO RELACIONES SEXUALES SIN USAR UN MAC EL 4.9.2012	EL 5.9.2012 FUE AL CONSULTORIO MAFFIOLETTI DE LA FLORIDA Y EL PERSONAL DE ADMISION LE DIJO QUE NO LE PODIAN DAR LA PAE PORQUE TENIA ISAPRE. TAMPOCO LE DIJERON LA RECETA.	CONSEJERIA Y DERIVACION A FARMACIA PARA COMPRAR LA PAE

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Claudia Dides – Interview 4

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Verónica “Coka” Ramos Díaz – Interview 6

Gilda Luongo – Interview 7

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