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The Churches and gender equality in Chile

*Religious impact on sex education policies and
on the introduction of emergency contraception*

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Introduction

The purpose of this paper is to analyse the role of churches in Chile's public and political life. It focuses, specifically, on their influence in the process of restoring democracy during the 1990s, and examines their effect on the formulation and implementation of two policies important to women's autonomy and to their ability to exercise their sexual and reproductive rights on a basis of equality. One of these policies is the National Sexual Education Policy, which gave rise to the programme known as Conversation Workshops on Emotion and Sexuality (Jornadas de Conversación sobre Afectividad y Sexualidad, or JOCAS)—a program directed at young teenage students. The second relates to providing free “morning after” pills at public health facilities. JOCAS was implemented at the beginning of the 1990s, as the transition to democracy began, while the policy on the “morning after” pill is part of the Fertility Regulation Standards proposed in the first decade of the new millennium.

These two policies were considered particularly significant because of their importance in overcoming the subordination of women and strengthening their personal and collective autonomy. Since at least the nineteenth century, education has been a focus of women's demands, as part of their campaign for personal development and access to public life. As a dimension of personal development, sexuality has also been at the forefront in combating subordination to male power. For the churches, issues of education, family and sexuality serve as important moral mileposts in the effort to defend the gender status quo and the family and to ensure that women's sexuality remains subordinate to reproduction. From the 1990s to the present day, the debate on these issues has been highly controversial, and although, as will be discussed further on, there are differences within and between churches, they continue to interpret these issues within the context of their doctrinal frameworks. Sexual and reproductive rights constitute the most prominent area of political confrontation between the Catholic Church and progressive movements. The various churches have different histories and characteristics. The Catholic Church, due to its close ties to power, has been a major actor in policy formulation and implementation. At the same time, the minority status and heterogeneity of the evangelical churches, along with the discrimination they experience, accounts for their more pluralistic positions.

The analysis presented here attempts to reconstruct the political camps, rhetoric and practices of those committed to these two policies. This includes governmental actors, religious authorities, political officials, social leaders and the women's movement. The focus, here, will be on the State, the churches and the women's movement.

The present work is divided into four sections. The opening section briefly reconstructs the historical background, in order to highlight the role of Christian churches in Chile's political and social life from the time of the country's independence in the nineteenth century to the present. The second section analyses the National Sexual Education Policy to Improve Education, which provoked a major political debate in the 1990s. The third section analyzes emergency contraception, which was one of the measures that was set forth in the Fertility Regulation Standards and that has been central to the Church's strong opposition to the Standards since 2000. The fourth and final section presents conclusions.

The political role of the Christian churches in the Chilean State, political system and society – The hegemony of the Catholic Church

The nineteenth century: Definitions of the nascent republic

The nineteenth century was marked by confrontation between conservative and liberal political forces as to what constitutional forms the republic would take. At the time, the Catholic Church was a fundamental element in Chilean society's political and institutional fabric. It supported conservative forces, actively resisting measures proposed by liberal groups aimed at reducing the Church's leading role in the civil service arena and separating Church and State. Reflecting the power of the Church and of conservative forces, the 1818 Constitution recognised Catholicism as the State religion, and under the 1823 Constitution, religiosity was a prerequisite to citizenship, thus equating the Christian community with civil and political society.

In the nineteenth century, liberal governments approved the secularisation of cemeteries, government regulation of birth and civil marriage records, freedom of worship, and reform of the penal code to limit the legal scope of ecclesiastical jurisdiction.

In the twentieth century, changes in Europe, the rise of the middle classes and the appearance of new political parties (Socialist, Communist and Radical) changed the political landscape in Chile. A new, modernising, and democratic political camp took form, committed to the separation of Church and State (a principle enshrined in the 1925 Constitution), national development, greater opportunity in the areas of health, education and employment, and the reduction of inequality and poverty. Women's struggle for equality and autonomy, of which the Movement for the Emancipation of Women was a chief proponent, was one component of these democratic struggles, which brought to light the social inequalities between men and women.

Social inequality and poverty were key elements in the debate within the Catholic Church, and led some conservative youth, influenced by the Social Doctrine, to form new political groupings within and outside the Conservative Party, aimed at addressing social issues and establishing the Kingdom of God on earth. These currents gave birth to the Falange Nacional (1935-1957), and later the Christian Democratic Party, which has played a prominent role in the country's politics.

Along with the social changes taking place worldwide, the Roman Catholic Church itself underwent major changes, as reflected in the Second Vatican Council (1962-1965). Vatican II proposed interpreting "the signs of the times" in the light of the Catholic faith. It marked the opening of the Roman Catholic Church to the ecumenical movement, and initiated a change of attitude towards the Protestant churches.

One important group of Latin American bishops would later embrace doctrines opposing oppression and exploitation, while making a commitment to the poor.¹ Liberation theology flourished in Latin America, and the late 1960s saw the emergence of groups of priests and nuns such as the Grupo de los 80 and, later, Christians for Socialism.

Although the Catholic Church supported social struggles, in the case of hormonal contraception it stood in opposition to greater personal autonomy. In Chile, govern-

¹ The question of poverty, oppression and despair was analysed at the General Conferences of the Latin American Episcopate in Medellín (1968) and Puebla (1979), where commitments to a preferential option for the poor were made.

ment policies on reproduction and sexuality provoked major conflicts between the State and the Church hierarchy. The National Population Policy of the Christian Democratic government (1964-1970), which included birth control programmes, aroused debate within the Catholic Church. The Grupo Belarmino drew a distinction between contraception and abortion,² and in 1967 Cardinal Silva Henríquez stated that the use of contraceptives was not immoral, unlike “abortion, which remained a crime under any circumstances”.³

The encyclical *Humanae Vitae*, issued by the Vatican in 1968,⁴ reaffirmed conservative positions on life and reproduction, and rejected the use of contraceptives.

A break in the continuity of democracy

The military coup of Augusto Pinochet (September 11, 1973) represented a profound rupture of the political, economic and cultural system, radically altering Chileans’ customs and daily life. For 17 years, debate and citizen participation in a democratic public order were foreclosed, and human rights were violated. The economic, social and cultural order put in place by the dictatorship favoured the dominant classes. At the same time, reduced social spending, a rejection of the State’s role in universalist policies, and the privatisation of public services worsened the quality of life and aggravated social inequalities.

From the inception of the military dictatorship, with its indiscriminate violation of human rights, Chile’s Catholic Church and other Christian churches committed themselves to the protection of human rights. A number of these, along with the Jewish community, formed the ecumenical Comité Pro Paz, the first human rights organisation created during the military regime.⁵ This was followed by the Vicaría de la Solidaridad, which was organised by the Catholic Church. Nineteen seventy-five marked the founding of the Academy of Christian Humanism,⁶ a pluralistic organisation for the collection and dissemination of information concerning the realities of life in Chile.

Beginning in the 1960s, the evangelical churches increased in number and grew in membership.⁷ Some evangelical groups allied themselves with the dictatorship to

² “To pretend that periodic or total chastity can be an alternative solution appears to us simply naive... This method requires a level of culture, human maturity and psychology that we cannot demand of an undernourished, ignorant population that is influenced by alcohol and guided by the pseudo-values typical of the values of primitives.” Quoted in Hurtado et al. (2004), p.86.

³ Idem.

⁴ This put an end to the Responsible Parenthood Council, the majority of whose members had recommended permitting Catholics to use contraceptives.

⁵ The Comité Pro Paz, created in October 1973, was chaired by the Catholic bishop Fernando Ariztía and the Lutheran bishop Helmut Frenz. It was closed down under pressure from the military government, and spawned the Vicaría de la Solidaridad (1976). Protestant sectors created the Fundación de Ayuda Social de las Iglesias Cristianas (FASIC).

⁶ Created at the initiative of Cardinal Raúl Silva Henríquez, this institution provided for research on the political, economic, social and cultural reality.

⁷ The Pentecostal churches began emerging from the historical churches in 1910, and a diversity of churches developed—a growth trend that persists. The Pentecostal churches represented 1.5% of the population according to the 1930 census, but more than 15% by the time of the 2002 census. In the legal area, Law 19.638, the 1999 Law of Worship, changed the legal status of Protestant churches and religious entities.

gain political power. The Council of Pastors,⁸ which encompassed a number of evangelical churches, took advantage of the conflicts between the Catholic Church hierarchy and other evangelical churches to gain representation within—and recognition by—the regime. Meanwhile, other evangelical forces were active in the Comité Pro Paz, and organised the Christian Brotherhood of Churches (Confraternidad Cristiana de Iglesias, or CCI)⁹ in opposition to the military regime.

In the 1980s, the military government attempted to give the regime a façade of legality by putting in place a new Constitution. Widespread protests by poor and middle-class pro-democracy sectors, starting in 1983, along with social movements opposing the dictatorship and international condemnation of the regime opened up a narrow window of opportunity for political participation.

These new social movements began to rebuild the social ties that had been severed by the repression. The innovative frameworks they put forward for interpreting the current realities lent greater visibility to ethnic and gender inequalities. Non-governmental organisations implemented social programmes to assist those in vulnerable circumstances and those facing extreme injustice, employing a new approach that combined personal freedom and autonomy, with social justice. *Thus, a major and innovative cultural force emerged, serving as a channel for the new ideas that were circulating throughout the region and internationally. By using political action, these operatives deployed—and enriched—their initial concepts, and honed their expertise in development activities, to be transferred to government once democracy was restored.*

Notable among these movements was the feminist movement, as well as the broader women's movement, comprised of feminists and women from leftist political parties and human rights groups.

The feminist movement constructed and disseminated new meaning for the lives of women and their relations with men in all social spheres. It highlighted the existence of an unjust system with regard to gender—a social order that enshrined the subordination of women. It gave name to the afflictions associated with that system, and promoted independent organising on the part of women.

The fact that the Catholic Church had close links with anti-dictatorial movements did not guarantee a conflict-free relationship with the women's movement. Women organising under the auspices of the churches—through food kitchens, solidarity workshops and human rights organizations—became increasingly aware of the oppression they experienced as women, and many came to criticise the role that Catholic Church norms and prescriptions played in the subordination of women, particularly within the family and in the areas of sexuality and reproduction. The development of a feminist movement and a feminist rhetoric that fused the struggle for democracy with the struggle for women's equality, autonomy and freedom found a home in the Women's Circle, at the Academy of Christian Humanism. Some of the Circle's writings on sexuality, however, were a source of friction and led, ultimately, to its expulsion from the Academy.

⁸ They sought to assume the role of an official religion, which until then had been played by the Catholic Church, as reflected in the instituting of an evangelical Te Deum at the Evangelical Cathedral in 19XX. Today, the evangelical support for Pinochet can be viewed more critically. Some say that it primarily reflected an attempt to take advantage of a political situation that afforded visibility and recognition to a player that, until then, had been relegated to the sidelines.

⁹ Created in 1982, it was composed of nine churches and ecclesiastical corporations, and worked for human rights and the restoration of democracy.

The growth of pro-democratic forces, nationally and internationally, compelled the dictatorship to seek a political solution. This was reflected in the creation of the 1980 Constitution and the so-called plebiscite on Augusto Pinochet's tenure. Having lost the plebiscite, in the final period of his presidency Pinochet promulgated a number of laws limiting the potential for democratic change. Therapeutic abortion, legitimate under the Health Code since 1931, was eliminated in 1989, and Law 18.962, the Constitutional Organic Law on Education, was promulgated on 10 March 1990.

The transition to democracy

In the election that followed the plebiscite of 14 December 1989, Chileans democratically elected a new president, the Christian Democrat Patricio Aylwin.¹⁰ The programme of the first democratic government (1990-1994) was the result of a negotiation, and a uniting of the forces of various political parties under the umbrella of the Coalition of Parties for Democracy.

The country over which Patricio Aylwin presided was politically polarised. When Aylwin was elected, Augusto Pinochet retained power as Commander in Chief of the Army, and became a lifetime Senator. The conservative forces, the military and the existing state bureaucracy remained a political presence, resisting the political, institutional and cultural changes promoted by the democratic governments. The process of political innovation and advancement towards democracy was driven by the forces of the Coalition, the country's social movements and the numerous politicians and professionals who returned from exile abroad.

The polarisation of political forces, the manifest power of Augusto Pinochet, the political opposition—in the form of the Independent Democratic Union Party¹¹ and the more liberal National Renovation Party¹²—and fear that the process of democratisation might be reversed led the Coalition governments to adopt a “politics of consensus” as a central governance strategy.

This limited the room for public debate and the scope of the policies that Coalition governments put forward. Fears about the fragility of the democracy also made it difficult for various organisations within Chilean society to participate in the policy debate, for fear of upsetting the unstable equilibrium of forces that had been negotiated without their participation.

In the early 1990s, more conservative forces within the Catholic Church were gaining influence. On the five hundredth anniversary of the conquest of Latin America, the Vatican and the Latin American Episcopal Council (known by its Spanish acronym CELAM) proclaimed the New Evangelisation; in Chile, bishops who were symbols of the resistance to Pinochet were replaced by bishops with a clearly conservative profile, who assumed leadership of the Episcopal Conference. These conservative forces would oppose a series of measures aimed at increasing personal freedom and autonomy: a divorce law, AIDS prevention initiatives, sexual education, and efforts to make the “morning after” pill available. A letter by the Archbishop of Santiago, Carlos Oviedo, entitled “Morality, Youth and Permissive Society” (1991), redefined the social climate

¹⁰ Results of the election: 55.2% for Aylwin, 29.4% for Büchi (the rightist candidate) and 15.4% for Francisco Javier Errázuriz (independent rightist candidate).

¹¹ The Unión Demócrata Independiente (UDI) was created in 1983, as a “Christian-inspired” “people’s” party and “promotor of a social market economy”.

¹² Renovación Nacional (created in 1987).

as one of “increasing immorality” and “unhealthy eroticism”, renewing the age-old association between sexuality and sin.

More progressive Catholic and evangelical groups moved to legitimise the human rights and social justice policies of the first Coalition government, while at the same time mediating between the government’s proposals and the more conservative segments within the Catholic Church and in the broader political arena.

The democratic process fostered coordination and organising among evangelical and Protestant churches. Partly as a result of President Aylwin’s invitation to the evangelical churches to participate in drafting a report of the Truth and Reconciliation Commission, they became a more organised and more visible political force.¹³

THE CONFLICT OVER SEXUAL EDUCATION

The Sexual Education Policy to Improve the Quality of Education

Against this background, educational reform, which included sexual education, was implemented. A series of national and international initiatives provided the government the support necessary for it to negotiate this reform and overcome the influence of opposing conservative forces.¹⁴

To carry out the reform, President Aylwin’s government took advantage of instruments and guidelines issued by international United Nations conferences. At the national level, the creation of the National Office of Women (SERNAM), the Youth Institute (INJUV) and the Women’s Programme of the Ministry of Education (MINEDUC) were decisive factors in the effort to address the issue of sexual education. The National AIDS Commission (CONASIDA) of 1990 found sexual-education information and programmes to be indispensable tools in prevention efforts.

In civil society, NGOs in the fields of health and education (PIEE, CIDE, EDUK),¹⁵ which had played a role in the anti-dictatorship democratic movement, brought the experience of their educational programmes to bear in public policy making, applying methodologies structured around the needs of the target groups.

In response to discrimination in schools against pregnant students, the Youth Pastoral Vicariate held workshops to allow pregnant teenagers to take free exams. This, in turn, led to an official mandate allowing pregnant teenagers to remain in the school-room. The situation also increased recognition of the need for a sexual education policy.

¹³ The Coordinación Evangélica incorporates representatives of different pre-existing groups which, in 1993, formed Coordinación de Organizaciones Evangélicas (COE), the broadest evangelical organisation in Chile’s history.

¹⁴ A series of national and international processes gave the government the support necessary for it to negotiate this education reform and overcome the influence of opposing conservative forces. At the international level, the Education for All Conference, convened in Thailand by the United Nations (JOMTIEN), was held in 1990. In December of 1990, Chile signed the Convention on the Rights of the Child, which included articles dealing with protection of the health of adolescents and implementing family planning services. The Conference on Population and Development in Cairo in 1994 and the World Conference on Women in Beijing in 1995 provided the progressive forces in the government with a cognitive frame of reference and a plan of action regarding sexuality, health and education.

¹⁵ Programa Interdisciplinario de Estudios de la Educación (PIEE), Centro de Investigación y Desarrollo de la Educación (CIDE), Educación para el Mejoramiento de la Calidad de Vida EDUK.

In 1993, the Ministry of Education established the Consultative Committee for the Creation of a Policy on Sexuality, coordinated by the Director of MINEDUC's Women's Programme, María de la Luz Silva. The Committee's diversity reflected an attempt to create consensus across various sectors. It included representatives of the Ministry of Health (MINSAL), the National Aids Commission (CONASIDA), the National Office for Women (SERNAM), the Youth Institute (INJUV), the United Nations Population Fund (UNFPA), various NGOs, the Catholic Church and the Freemasons. A Jesuit priest played a major role in the debate, facilitating negotiations between the government and conservative sectors.

Different cognitive frameworks: negotiation, veto, and conflicts regarding the meaning and scope of a national policy on sexuality

The members of the Committee responsible for designing the policy approached the task from different cognitive and interpretive frameworks, thus shaping the way in which they defined the problems and principles that should guide sexual education programmes. Within the constraints imposed by the need to achieve consensus, the government manoeuvred to avoid a confrontation that could derail implementation of the policy.

The United Nations Population Fund (UNFPA)

The most innovative ideas came from the UNFPA, which was advising the government on sexual education methodologies. The interpretive frameworks put forward were based on the concepts and conclusions of the United Nations International Conference on Population and Development held in Cairo in 1994 and the Fourth World Conference on Women held in Beijing in 1995—forums in which it played a key role.¹⁶

These conferences considered sexuality to be an area of concern with regard to human rights and the realisation of individuals' autonomous life plans, a process in which individuals must be able to make free and responsible decisions on issues of emotional, sexual, and reproductive health. They held that the State must ensure educational opportunity for all individuals in order to address inequalities of access in this area—a circumstance that gives rise to child abuse and that impedes efforts to reduce sexually transmitted diseases (STDs) and teenage pregnancy.

Thus, the concepts offered by the UNFPA represented a *new conception of the individual and the individual's relation to the State*, and provided a methodological break with the institutionalised and hierarchical forms of traditional education, in which the teacher imparts knowledge in a precisely delimited institutional context.

The churches

The Catholic Church has been a strategic player, given its virtual veto power and the major role that its schools play in the educational system.

The more conservative Roman Catholic forces in positions of ecclesiastical authority shared common deontological positions, which were based on the principles of

¹⁶ The UNFPA played a central role at the 1994 Cairo Population and Development Conference, which drafted, systematised and debated proposals that the feminist movement had been putting forth over the preceding decades.

the Magisterium and on a literal interpretation of Scripture. They reaffirmed Church dogma relating to sexuality, such as the indissoluble relationship between sexuality and reproduction, and declared heterosexual marriage to be the proper context for sexuality. They rejected artificial methods of contraception, unmarried cohabitation, and certain sexual practices such as masturbation. In their view, sexuality must somehow be controlled, governed and normalised to avoid sin. *They feared that a sexual education policy would shift responsibility to the State, with disregard for the role of parents, and that the State would impose concepts that do not respect the religious orientation and beliefs of parents and of parochial schools.*

Their proposals for education and sexual health policies rejected the value and validity of research concerning the realities of individual behaviour, thinking, desires and aspirations in formulating public policy. They held the view that moral principles must not be compromised to circumstance. They posited a *heteronomous morality in which individual behaviour is guided by external standards enforced primarily by family and church. Sexual education, in this view, is another area for moral teaching. As such, it depends on external authority and norms to guide the behaviour of individuals, while rejecting the notion that they have the capacity to develop moral autonomy. According to this view, sexual education is not an end in itself, but rather a means of preventing problems such as teenage pregnancy, abortion and sexually transmitted diseases.*

Other, minority groups within the Church emphasise a type of moral autonomy that is in dialogue with modern culture and respects individual dignity and decision-making power (Merks, 2000).

The evangelical churches also harbour varying positions on sexuality, from the most fundamentalist to more open attitudes. Notable as an example of the latter is the document “Reflexionando sobre la sexualidad humana” [Reflections on Human Sexuality], released by the Pastoral Conference of the Lutheran Evangelical Church in Chile (IELCH) in April 1995, which explicitly sets forth a new view. It adopts a contextualist approach, inviting recognition of historical and social changes, and of new practices emerging in the area of sexuality, as well as acknowledging the new risks associated with them, such as STDs and HIV/AIDS. Aimed simultaneously at conservative and progressive forces within the Lutheran Church, it affirms the validity of Christian sources and tradition, while stressing the need to interpret Scripture in an historical perspective and consider the meaning of Christian teachings. Considering love to be the fundamental element of Christianity, it understands sexuality as a gift from God that is to be enjoyed within a loving relationship. It criticises interpretations that associate sexuality with sin, views both single life and unmarried cohabitation to be legitimate life options, recognises divorce as a minor ill, is more tolerant of behaviours such as masturbation, and asserts that love is also the basis for homosexual relationships. It underlines the need for sexual education programmes that address problems of concern to young people.

Government

The conceptual starting point for the Committee’s government representatives, many of whom came from democratic and feminist movements, was closely aligned with that of the UNFPA. However, the final content of the government’s proposals was ultimately the result of negotiations with other stakeholders.

The government’s representatives established close relationships and negotiated with people in the religious community who were in a position to soften the resistance

of more conservative sectors. At the same time, there were also differences between various segments of government represented on the Committee. While the representatives of SERNAM and the Ministry of Health were institutionally more committed to overcoming gender inequalities and addressing the issues of young people's sexual health and reproduction—and therefore more in favour of having educational programmes provide precise and concrete information—the representatives of the Ministry of Education were more cautious in their positions, for fear of jeopardising consensus.

The government's strategy brought to bear arguments that were innovative, while at the same time providing bridges to those with differing views. The government recognised that sexual education must be addressed comprehensively, in a way *connected with the emotions and with spirituality*. It emphasised the negative effects of a purely pragmatic approach that neglected values-based principles and guidelines. Finally, it pointed to the undesirable effects—including teenage pregnancy, promiscuity and lack of respect for others—of uncontrolled and unintegrated sexuality.

It also agreed that *the State is not a “sexual educator”*, although it has the right and duty to ensure that sexual education is imparted. Its role is to assist families, which in times of change are less prepared to meet their children's need for sexual education. Lastly, the government tamped down fears that it would impose beliefs and, rather, emphasized that it would respect the *freedom of schools* to align their educational programmes with their principles and guidelines. It also noted the dominant role of the collective community in defining sexual education activities.

In short, as a means of creating consensus among sectors more closely allied with the Church, while blunting the force of the most conservative positions, the government adopted a position in which the schools' freedom took precedence over the students' equal-opportunity right to sexual education. The entire argument was premised on the State playing a very minor role, while de-emphasising, as a guiding principle, the human rights of children and young people.

The innovative components of the argument involved acknowledging the need to recognise changes that have occurred. They took account of the diversity of positions within the country, and emphasised the importance of communication and dialogue among the different stakeholders—which, in turn, would make it possible to determine the content of a sexual education program and foster a thoughtful and respectful attitude towards sexual behaviours. Discussion that promotes thought and reflection was viewed as a means of dispelling fears, prejudices and taboos that work against the development of responsible individual behaviour.

*Within the Committee, the concept of **responsibility**, as associated with sexuality, became a key to consensus, since its intrinsic ambiguity allowed for it to be interpreted differently from different cognitive perspectives. For the Catholic Church, for example, it meant distinguishing between good and evil, while to other groups it related to individuals' capacity to make decisions regarding their sexual lives.*

Another central element of the government's strategy was to stress the technical, modernising and innovative nature of the methodology associated with sexual education.

The Committee's work led to publication of the document “A Sexual Education Policy to Improve the Quality of Education”, which reflected both the influence of religious sectors and the concessions made by the government. The document repeatedly associates sexual education with reproduction and the development of human life, the construction of the individual, and the ethical foundations of culture, as well as the community's social history and cultural creativity.

Conversation Workshops on Emotion and Sexuality (JOCAS)

The National Policy on Sexuality gave rise to the programme Conversation Workshops on Emotion and Sexuality (JOCAS), designed to impart basic knowledge about emotions and sexuality, and to open and strengthen dialogue on these issues among young people, families and teachers, with support from the educational and broader community.

The JOCAS methodology was based on *the theory of communicative resonance*, which emphasises face-to-face conversations. It favoured small, self-managed and self-regulating discussion groups, and stressed the importance of including the community in the process as a source of educational resources—health personnel, priests, pastors, representatives of social organisations, etc. The discussions generated dialogue and thought to stimulate participants' capacity for discernment. The JOCAS encounters were conceived as educational experiences *to encourage the individual's central role in the learning process. They were limited in time, occurred on a mass scale, and were designed so that they could be evaluated and replicated.*

The JOCAS events were incorporated in the secondary school curriculum, as part of the optional curricular alternatives programme within the Program to Improve the Quality and Equity of Secondary Education. In other words, schools could decide whether to implement JOCAS or carry out other sexual education activities.

The implementation of JOCAS was gradual, and it faced a series of problems. In the Santiago Metropolitan Region, for example, it was not supported by the Catholic bishops, and in other regions there was no consistent participation on the part of health personnel.

Subsequent evaluations (Kleincsek et al., 2004) indicate that there was broad and enthusiastic participation on the part of young people, and that they succeeded in articulating more specific demands and concerns (relating to sexual behaviours, use of condoms and sexual relations). Parents were less involved, and teachers' participation was marked by caution in approaching the issues. In general, however, the JOCAS events represented a significant landmark for the schools, especially for municipalised and non-Catholic private schools, where more open discussion took place.

The public controversy concerning JOCAS began on September 8, 1996, following a number of JOCAS events held in the municipality of Puente Alto, south of Santiago. *El Mercurio*, Chile's oldest and largest-circulation national newspaper, which is allied with rightist conservative sectors and with the Catholic Church, published a report showing images of primary school students with condoms in hand, supposedly involved in the event. It also published photos of the posters produced by the students at the end of the workshop, showing different types of penetration—oral, vaginal and anal. *El Mercurio* claimed that the events encouraged early sexual activity, as well as promoting access to contraceptives at medical facilities—and their use—without parental authorisation. The newspaper claimed that JOCAS was a venue for discrediting the Church's positions on fertility regulation, masturbation and abortion (Araujo, 2005).

The report was assembled by journalists belonging to Opus Dei, and was endorsed by someone high in the Catholic hierarchy. The workshops did not, in fact, promote access to condoms, and were directed at secondary school students.

The report revived fears among the conservative sectors, relating primarily to loss of parental control and responsibility for children's sexual education, de-linking of sex from emotion and spirituality, and encouragement of early sexual activity.

Reactions were immediate. The Catholic Church vehemently objected to JOCAS, demanding an immediate end to the programme, and requested that the programme be reviewed by the Episcopal Conference. It alleged that the government harboured a bias that favoured a biological perspective, and that it was attacking the right of families to make decisions about their children's education, thus exceeding the State's legal role in education. Members of Congress on the right threatened to cut JOCAS's budget for the following year in nine of the country's administrative regions. The Vicar of Public Education published a book stating that JOCAS represented the tip of the iceberg of a Malthusian policy (Fernández, 1996).

Thoughtful voices in support of the sexual education policy emerged from the evangelical churches, but did not gain a significant foothold in the media. In a public statement on sexual education (SEPADE, 1996), a number of evangelical churches (including Methodist, Lutheran, Presbyterian, Anglican and several Pentecostal churches) endorsed the assessments validating JOCAS. While affirming the role of fathers and mothers in sexual education, they also recognised parents' limitations in this area, concluding that the State does have a legitimate role to play. In contrast to the position of the Catholic hierarchy, the document included a critical approach to individual responsibility for sex-related problems.

The individuals cited in the newspaper's reporting also objected. The governor and citizens of Puente Alto, along with the students, demonstrated in defence of the programme. Teachers and principals of schools defended the programme in television debates, while public opinion polling revealed massive support for sexual education programmes.¹⁷

Numerous columns by journalists, politicians and progressive intellectuals spoke of changes in Chilean society, the sexual behaviour of young people, and the duty of government policy to respond to social and cultural change, criticising the disconnect between the Catholic Church's moral stance and actual reality.

On the government side, President Frei objected to the *El Mercurio* report, citing its tendentious nature. The government emphasised young people's needs in regard to sexual education, and rejected terminating the programme. The person directing the programme's implementation, the Coordinator of the Programme for Women at MINEDUC, lobbied members of Congress intensively, sending them JOCAS manuals, which reflected the principal points of consensus reached by the Committee, stressing the adverse consequences of failing to address sexual education and citing teenage pregnancy and failure to prevent HIV/AIDS. The State's responsibility for responding to these problems—as well as the technical and modern nature of the methodology employed—was also highlighted.

Despite the fact that broad sectors of the society expressed support for the position of some evangelical churches, and the fact that the Catholic Church softened its position and acknowledged the importance of sexual education, the government ultimately modified the JOCAS programme. It took the debate out of the spotlight and changed the composition of the multi-sectoral Committee by removing those members who were most critical of the religious and conservative positions.

Up until that time, JOCAS was part of a broader programme, Education and Prevention of Teenage Pregnancy, directed by SERNAM, involving the Ministries of Health and Education. Following the conflict, the Ministry of Education withdrew from

¹⁷ Surveys showed that 90.5% supported the idea that sexual education was necessary. *La Tercera*, 27 September 1997.

the Committee and decided to continue, on its own, with the school component of the JOCAS programme. SERNAM took over coordination of the Committee and of the broader programme.

The initial support for JOCAS from President Frei's government, through the Minister of Education (Christian Democrat Sergio Molina) and the head of SERNAM (Minister Josefina Bilbao), weakened with the appointment of a new Catholic Minister of Education, who pressed to modify JOCAS and avoid confrontation with the Catholic Church. *The Ministry of Education then demanded that the third component of the JOCAS events, in which the students would arrive at—and express—their individual conclusions, concerns and recommendations—be eliminated and replaced by an exchange between parents and children.* Though many members of the Committee disagreed with this proposed change to the structure of the programme, the change was made, and the new JOCAS structure was endorsed by the Episcopal Conference. Until 1998, JOCAS continued, in its new format, in nine of the country's regions, with 217 schools participating.¹⁸ The Coordinator of the programme later resigned due to insufficient budget.

Thus, pressure from the most conservative sectors of the Catholic Church succeeded in distorting the purpose of the programme—namely, to serve as a forum for learning among peers, in which young people could freely express all of their opinions, demands and conclusions. The third component of the events, now eliminated, had been a highly significant part of the process, in which the participants openly stated their own conclusions. The spontaneous support of students, parents' centres, the women's movement, and public opinion (as reflected in surveys) were not sufficient to persuade the Ministry to develop a strategic defence of the initial model.

Although JOCAS lost its former prominence in the public debate, the model continued to be implemented by civil society, universities and NGOs, which respected its underlying concepts. Between 2001 and 2003, the Centre for Gender and Culture Studies in Latin America began to implement the "Socio-cultural Project on Sexuality, Youth and Gender: Meeting of Minds and renewal of approaches" (Palma et al., 2003). Based on a pluralistic, non-sectarian approach drawing on the latest theoretical and methodological research concerning the adaptation of a discussion-based model of sexual and reproductive health education, the project targeted young people in La Pintana, a poor, working-class municipality within Greater Santiago. It brought together a broad spectrum of educators, researchers, communicators, social workers, anthropologists, psychologists, counsellors, nurses, doctors, midwives, municipal staff, NGO personnel, and social and community networks. In tandem with this, the Contacto programme created materials for JOCAS that were more progressive in nature and included a series of links for further exploration of various issues.

Under the Socialist Party government of Ricardo Lagos, with Sergio Bitar as Education Minister, the sexual education policy was re-launched. In 2004, a commission was created to develop a sexual education plan, update the sexual education policy and formulate guidelines for a future plan of action. Once again, representatives of the Church were included. Josefina Bilbao, the former Minister of SERNAM, who had participated in the first JOCAS events, was appointed to chair the Commission. The Commission's work led to the creation, in 2005, of a Technical Secretariat for Emotional and

¹⁸ During this entire period, in addition to JOCAS, schools could incorporate sexual education in their curricula. The Ministry of Education's *Libro de Asistencia Técnica* cited offerings from 32 institutions with highly diverse orientations, including Catholic University, which promoted the Teen Star programme (an international programme).

Sexual Education. The general education section of the Ministry of Education was involved in developing horizontal material on environmental education and school coexistence (Arenas, 2008).

Since 2006, under the government of President Bachelet, the Secretariat has been chaired by the first Coordinator of JOCAS, who was given a budget for the 2005-2010 period. Students were included in the dialogues organised by the Ministerial Secretariat of Education for the Metropolitan Region, and expressed their views on sexual education in the schools. They requested that the informational content of the programme not be reduced to occasional, circumscribed discussions, voicing particular interest in discussing the personal and emotional implications of sex, while emphasising the importance of broader and more serious participation and debate. They also asked for more specific information on contraceptives.

In short, despite the momentary success on the part of the most conservative religious forces in attempting to change the character of JOCAS, the subject of sexual education was not removed from the public or academic agenda. Changes of culture, values, attitudes and sexual behaviours in the country created a favourable climate for discussing sexuality in more modern interpretive frameworks that recognise individuals' decision-making capacity. This made it possible to overcome the initial polarisation over sexual education, and provided room for a greater plurality of positions and demands. And although conservative ecclesiastical authorities opposed coverage of issues such as contraception, abortion, masturbation and sexual minorities, the society itself created opportunities for dialogue that contributed to greater social tolerance in these areas.

Nevertheless, the authority of the Catholic Church continues to be a major obstacle to placing the discussion of sexual and reproductive rights, and of technological advances with regard to reproduction, on public and institutional agendas.

SEXUAL AND REPRODUCTIVE HEALTH AS AN ITEM ON THE PUBLIC AGENDA AND AS A PUBLIC POLICY ISSUE

Family planning policy has a long history in Chile. From 1931 to 1989, and even under the 1980 Constitution, Chilean law permitted therapeutic abortion. In 1965, the government of Christian Democrat Eduardo Frei Montalva initiated a family planning programme explicitly aimed at reducing deaths due to abortion. The Chilean Association for the Protection of the Family (APROFA), with the support of the

International Planned Parenthood Federation (IPPF), proceeded to work directly with the National Health Service, and family planning was made a matter of public health and welfare policy.

Implementation of family planning programmes was disrupted during the military regime. Public health services responded to individual requests for family planning services, but did not offer them as a regular matter. Reports of women, midwives and doctors indicate that intrauterine devices were frequently removed from women without their consent.¹⁹ Family planning was also removed from medical and obstetrical curric-

¹⁹ No explicit order to this effect has been found, but numerous women have testified to this.

ula. One of the last measures by the military regime, in a break from prior medical/legal practice, was to make therapeutic abortion illegal.²⁰

Since the end of the dictatorship and the resumption of democratic government, pressure from the Church and the political right has hindered various measures to reinstitute legal therapeutic abortion.²¹ Meanwhile, responding to, or anticipating, political pressure from conservative sectors, none of the Coalition candidates has incorporated this issue as part of the government's programme.

However, despite the strong opposition of the Catholic Church, the policies proposed by the government in 2001 made sexual and reproductive health a part of the public agenda. The government's measures included the creation of a new inter-ministerial sexual education programme known as *Towards Sexual Responsibility* (2000), publication by the Health Ministry of new voluntary sterilisation guidelines for women and men, and ministerial authorisation for the marketing of emergency contraceptives.

Civil society, however, has been the driving force in getting the issue of women's rights—and specifically, sexual and reproductive rights—onto the government's public and institutional agenda. The period of dictatorship saw the formation of numerous grassroots health-related organisations and movements, which became increasingly focused on reproduction and sexuality. In 1990, with democracy restored, the Open Health and Reproductive Rights Forum was created, bringing together women from feminist NGOs and from the population health movement, as well as professional women from the health professions and beyond.

The Forum conducted two major campaigns: "I am a woman—I have rights" and "I am a woman—I want to be healthy". Working in various parts of the country, the Forum solicited the views and demands of women in the areas of health, sexuality and reproduction.²²

One of the most important efforts by those working to promote sexual and reproductive rights was that of a civil society group, which drafted and presented to the National Congress a legislative bill providing a framework for sexual and reproductive rights.

This bill emerged after the 1997 forum in The Hague, in which Chilean feminists participated. Upon returning to Chile, they brought together a series of social actors—including representatives from NGOs, academic and scientific institutions, and social movements, as well as Catholic and Protestant theologians, lawyers and parliamentarians—to propose creating a law that would serve as a framework for sexual and reproductive rights.²³ After a year of work in weekly meetings, in which assessments,

²⁰ Health Code, Article 119, modified in March 1990, states: "No action designed to cause abortion may be undertaken."

²¹ In 1991, five members of Congress submitted a bill to restore Article 119 of the Health Code. The only woman among them, Socialist Deputy Adriana Muñoz, failed to win re-election the following term, following a campaign in which the abortion issue was the main rallying cry of her adversaries. There were also various initiatives proposing to increase sentences for abortion (see *Informe Sombra*, p. 40). A bill to permit abortion only during the first 12 weeks of pregnancy (submitted by two Socialists in November 2006) was declared "inadmissible" by the President of the Chamber of Deputies, on the grounds that it was a matter that concerned life and thus required a change in the Constitution.

²² Women from the churches participated in these groups and campaigns "as women", but without expounding an explicitly religious position (Lowy: 2007).

²³ The socialists—specifically, Deputy Fanny Pollarolo, Deputy María Antonieta Saa and Senator Carlos Ominami—played an important role in the proposed legislation.

proposals, beliefs and political positions were shared and debated, they drafted a bill that was presented to the Parliament in October 2000.²⁴

The bill consisted of a series of legal, conceptual and ethical frameworks designed to provide a coherent structure to guide policies on sexuality and reproduction as related to health, education, labour, etc. The legislation sought to provide a national legal instrument that would enshrine the State's recognition of sexual and reproductive rights and fulfil international commitments to promote and guarantee these rights.

The bill's general provisions are structured around three fundamentals: recognised rights, prohibitions, and obligations of the State. Among the recognised rights are the enjoyment of sexuality as a source of development and happiness; the exercise of sexuality independent of reproduction; sexual freedom and free choice of partners; freedom to make decisions regarding one's children; access to information on fertility regulation and on prevention of STDs; access to sexual and reproductive health services; confidentiality of services even in cases of complications from abortion; and sexual education. The prohibitions include discrimination in the exercise of sexual and reproductive rights based on sex, age, sexual orientation, marital status, ethnic origin, social class, religion, disability, etc.; involuntary sterilisation; forced use of contraception; research that does not respect individuals' sexual and reproductive rights; and sexual and reproductive rights in general.

The obligations of the State include promoting the cultural, social, economic, political and institutional changes needed to ensure the full exercise of sexual and reproductive rights; fostering non-sexist education that transcends gender stereotypes and values sexuality; guaranteeing access to high-quality health services and adopting a comprehensive approach to health; and ensuring that public policies, services, programmes and activities related to sexuality and reproduction promote relations of mutual respect and equality between women and men.

Reactions to this innovative and comprehensive bill were not long in surfacing. The debate attracted considerable attention in the media, which polarised the debate between blocks they termed "pro-rights" and "pro-values". The major attacks by the conservative sectors centred on abortion, although the bill deals only with humane treatment of complications from abortion. The arguments for protection of the family were repeated, along with the accusation that the bill would promote unrestrained sex, sexuality outside of marriage and homosexual relations, and that the State was assuming a role that properly belongs to parents. The novel element was that these objections came increasingly from neo-conservative NGOs, which assumed and propounded the neo-conservative rhetoric from their position in civil society.²⁵

By covering the controversy, the media kept the issues of sexuality and reproduction on the public agenda, making it possible to continue and disseminate the discussion on rights despite the fact that the Church hierarchy imposed an extremely ideological framework on the debate, which impeded thoughtful discussion and the expression of a range of positions.

Once the bill was drafted, the participating organisations formed the Expanded Group for the Sexual and Reproductive Rights Bill, an activist group that sought to gain attention in the media to position the debates on sexuality and reproduction, influence

²⁴ Over 30 institutions in 7 regions, and professionals from different areas, supported presentation of the bill.

²⁵ For example, the Fundación Chile Unido and ISFEM.

members of Congress to vote for the bill, and monitor public policies relating to the issues addressed in the bill.

During this entire period, there was no discussion of the bill in the Parliament. Only in 2008, after social mobilisation efforts on emergency contraception, was the bill re-submitted to Congress by Socialist Deputy María Antonieta Saa.

The debate on health and fertility regulation policy first turned confrontational during the government of Ricardo Lagos. But it was under the government of Michelle Bachelet, with the publication of “National Fertility Regulation Standards” in 2006, that the conflict reached its greatest intensity.

The political/cultural confrontation around fertility regulation policy—and emergency contraception in particular—is occurring, however, in a political environment more favourable than the one surrounding the JOCAS debate.

With the elimination of authoritarian enclaves, democracy has been consolidated, society has become more pluralistic, and citizens are more aware of their rights. The sexual education dispute involved conflicting positions on the respective roles of the State, institutions and parents, in sexual education. The debate on emergency contraception has expanded²⁶ to include the dignity and moral decision-making capacity of individuals. Issues as wide-ranging as life, contraception and abortion are being addressed from a variety of conceptual perspectives: philosophical, biomedical, institutional, and in relation to practical social issues.

Cumulative advances in gender equality also play a positive role in fostering a gender-sensitive approach to health policies relating to sexual and reproductive issues. The governments have approved a series of laws that recognise gender inequalities as a public issue. Relevant legislation has included modification of the Law of Filiation (1998),²⁷ programmes for gender-neutral equality of opportunity (1994-1999 and 2000-2010), the civil marriage law of 2004 (often referred to as the “divorce law”),²⁸ and modifications to the domestic violence law (2005).²⁹

The election of Socialist Party presidents (Ricardo Lagos from 2000 to 2006, and Michelle Bachelet from 2006 to March 2010) has helped strengthen progressive positions on protecting rights, and on individuals’ moral capacity to make decisions regarding their private lives. Michelle Bachelet, who has been particularly sensitive to women’s demands, has taken a major role in defending women’s rights, especially with regard to sexual and reproductive rights. Her government authorised the sale of an emergency contraceptive and included it in the national formulary. It was first made available to rape victims, after which access was extended to all women who had need of the medication.

Meanwhile, the political camp promoting sexual and reproductive rights has grown and become more complex. Different organisations—such as the Forum on Health and Sexual and Reproductive Rights, the Latin American and Caribbean Women’s Health Network (RSMLAC), and the Network Against Domestic and Sexual

²⁶ The Chilean Penal Code provides sanctions for abortion in all circumstances, and the Health Code prohibits abortion in any circumstance, without exception. The sanctions affect both the woman and the person assisting her.

²⁷ The Law of Filiation, Law 19.585, promulgated on 13 October 1998.

²⁸ Law 19.947, promulgated on 7 May 2004, established a new civil marriage law to replace the 1884 law. For the first time, divorce was recognised in Chile.

²⁹ Law 20.066, promulgated on 22 September 2005, is the domestic violence law.

Violence—have campaigned for the decriminalisation of abortion, and have been active in monitoring compliance with the commitments made in international conferences (CEDAW, Cairo and Beijing). Their research and monitoring activities enable them to study and publicise gender issues related to health and sexuality—e.g., absolute prohibitions on abortion, lack of access to reproductive health services, and the question of medical confidentiality for young people (Human Rights Report, 2008). Gender studies programmes in various Chilean universities have also helped stimulate thinking on gender and sexuality issues³⁰ through wide-ranging seminars involving academics, politicians, feminists and women from the religious community.³¹

The conservative political camp has also grown, mobilising young people from Catholic schools, members of Congress, rightist mayors and members of the judiciary. Pressure from conservative sectors has been deployed in opposition to policies favouring gender equality and sexual and reproductive rights for women. These conservative forces, along with pressure from the Church hierarchy, have been responsible for the failure to ratify the CEDAW protocol,³² for the bankruptcy of the legal system in dealing with femicide and violence against women, and for silencing debate on abortion and its decriminalisation.

The changes in legislation, as well as in social and political practices, reflect—and are advancing—the ongoing cultural transformations in Chilean society. Various opinion polls show that women are more aware of the discrimination they experience in the workplace and in political representation, and that a high percentage support personal life plans that go beyond family (Human Rights Report 2008: 249).

In the area of sexuality, research shows a liberalisation of sexual practices in Chile, especially among adolescents. According to the fifth National Youth Survey (INJUV, 2007), traditional patterns of behaviour are changing. Divorce, for which there is increasing acceptance, is being viewed differently, as are the day-after pill and therapeutic abortion.³³ Acceptance of premarital relations, as well as of contraception both within and outside marriage, has also increased to 90% (Grupo Iniciativa, 1999).

Finally, as regards the controversial subject of abortion, polls show that a high percentage of individuals—women in particular (over 50%)—are in favour of decriminalising abortion and establishing specific conditions under which therapeutic abortion is once again permissible.³⁴

³⁰ There are currently nine gender studies programmes in Chile.

³¹ The Ethics and Sexuality seminars, held between 2002 and 2004, in collaboration with the Gender Studies Programme of the Universidad Academia de Humanismo Cristiano, the Health and Sexual and Reproductive Rights Network and the Association of Ecumenical Women, were designed to bring together women who shared a commitment to sexual and reproductive rights but who rarely had the opportunity to congregate. This included women from poor neighbourhoods, academics, activists, intellectuals, women from churches, feminists—in short, women from the world of thought and women from the world of action.

³² This included the ratification of the CEDAW Optional Protocol, which was blocked in the Senate in 2002.

³³ The level of “agree” and “strongly agree” responses among young people, with respect to divorce and the “morning after” pill, is relatively high: 72% and 61.9%, respectively. The percentage agreeing or strongly agreeing on euthanasia and therapeutic abortion was also high (40% and 42.5%, respectively). Baeza, in *Revista Observatorio de Juventud*, published by the Instituto Nacional de la Juventud de Chile. Vol. 4, no. 15, September 2007, pp. 60-68.

³⁴ “For purposes of comparison: Measured in aggregate, including individuals who either agree or agree in some circumstances, the UDP figure was 64.6% in 2007, the Catholic University-Adimark survey

These changes make more evident the disconnect between the universalist rhetoric of the Catholic hierarchy and the more pluralistic concrete reality experienced by individuals, and particularly by women and young people.

Researcher Bonnie Shepard analysed the effects of the gap between religious teachings (Shepard, 2000), religious affiliation and social practices. Her research indicates that Catholic women find themselves compelled to dissociate their use of contraceptives from their acceptance of religious teachings. This creates tensions that lead—in the best-case scenario—to increased autonomy in decision-making and a reinterpretation of religious prescriptions, enabling women to affirm that they are “Catholics in their own way”. Women’s practices range from those that are learned and conventional, to practices that recognise that their own life situations call for individual decisions that diverge from the Church’s official teaching.

Even under the pressure of such contradictions, women in middle and high socioeconomic segments of the population have access to private health services that address their needs more completely and confidentially than those available to women and girls in low-income sectors. The latter must rely on public health services, which, responding to pressure from the Church and conservative sectors, limit the scope of their reproductive health practices.

Emergency Contraception: The History of a Conflict

The conflict regarding the day-after pill began in 2001,³⁵ provoking a complicated and prolonged tug-of-war involving the pill’s approval by the central government, its prohibition by some local governments, and successive approvals and rejections of the pill by various courts. The scale of the confrontation is so striking that one study referred to it as “the saga of emergency contraception in Chile” (Casas, 2008).

The drugs standards published by the Bachelet government in 2006, which included the pill, are supported by health officials, women’s and feminist NGOs, academic gender studies programmes, medical experts, the sexual minorities movement, and artists. The debate crosses political lines, with conservative positions found not only on the right but within the Coalition.

The political opposition has engaged a new cast of actors, namely, rightist mayors who, due to the autonomy of municipal government, can effectively oppose implementation of the government’s sexual and reproductive health measures. Self-styled “pro-life” NGOs that oppose contraception have also joined the fight. The essence of the debate crosses boundaries between different ways of thinking and between different fields—from the doctrinaire to the philosophical, from politics to health—and touches on abstruse subjects such as when life begins, what right to birth the unborn possess, and, in the institutional context, the appropriateness of judicial bodies ruling on questions that remain unresolved by scientists, theologians and philosophers. The conflict is fuelled by arguments from perspectives as diverse as those involving consumers’ rights, rules of the market, and freedom of conscience as an economic or social right.

Meanwhile, the political camp promoting sexual and reproductive rights has grown and become more complex. Different organisations—such as the Forum on

placed the figure at 43.7%, while the Humanas-CEP survey had the percentage at 67% for the previous year” (Hexagrama, 2008).

³⁵ Starting in 1995, the Instituto Chileno de Medicina Reproductiva (ICMER) began studies on the emergency contraceptive to assess the possibility of providing it to rape victims at public health facilities.

Health and Sexual and Reproductive Rights, the Latin American and Caribbean Women's Health Network (RSMLAC), and the Network Against Domestic and Sexual Violence—have expanded to include the organisations that participated in drafting the framework law described above.

There are significant differences in the cognitive frameworks from which different actors advocate for or against sexual and reproductive health policies. According to the research of Claudia Bonan (Bonan, 2003), different perspectives can be distinguished: the religious framework seen in the rhetoric of the Catholic Church hierarchy and conservative sectors; the (bio)medical framework (which is becoming increasingly important, as conservative sectors also seek to use biomedical research to support their positions); and the emancipatory framework, based on a human rights approach that focuses particularly on women and young people—an approach that considers the notion of sexual and reproductive rights to be concepts still in the process of being constructed, and regards human rights as indivisible.

Intergovernmental international conferences organised by the United Nations disseminate and legitimise the ideas advocated by the emancipatory political camp. At the International Conference on Population and Development (ICPD) held in Cairo, the countries proclaimed health and sexual and reproductive rights as fundamental human rights, and recognised women's basic right to control and make decisions regarding their own bodies and sexuality, as well as a universal right to obtain information and services for sexual and reproductive health.

Landmarks in the conflict, 2001-2008

2001	The government and the Public Health Institute...	authorise sale of emergency contraceptive (Postinal, Levonorgestrel 0.75) ³⁶
	The Catholic Church...	denounces the pill as abortion, which would violate Article 19.1 of the Constitution, and claims that marketing it is illegal and unconstitutional. It attempts to stop its production and marketing.
April 2004	The government publishes "Clinical standards and guide for care at emergency facilities for victims of sexual violence"...	stipulating that emergency facilities are to make the drug available to victims of sexual violence.
	Rightist mayors...	refuse to distribute the pill at municipal medical facilities. ³⁷

³⁶ On 24 August 2001, Public Health Institute Resolution No. 7.224 authorised the marketing and sale of Postinal.

³⁷ In Santiago, the mayors of Lo Barnechea, Puente Alto and La Florida, all of whom belong to opposition parties, rejected the idea of providing it at facilities in their municipalities.

	The government (through the health authorities)...	takes steps to ensure that the contraceptive is available on the market, and affirms the principle of equal opportunity: all women subjected to sexual violence must have equal access to the pill.
November 2005	The Supreme Court...	rules unanimously that the registration of an emergency contraceptive by the Public Health Institute is constitutional and legal.
January 2006	The NGO “AGES”...	sues Grünenthal Laboratories, which markets the emergency contraceptive Postinor-2. The company chooses to withdraw the drug rather than pursue litigation.
March 2006	The Ministry of Health...	adds Levonorgestrel 0.75 to the National Formulary, thus requiring all pharmacies to stock it. The three major pharmacy chains (which account for 90% of the Chilean market) refuse to comply, arguing that their freedom as businesses allows them to decide what to market, and invoking grounds of conscientious objection. ³⁸ Finally, to avoid sanctions, they acquire the required minimum number of doses of the drug.
September 2006	The Ministry of Health publishes new national fertility regulation standards. ³⁹	This technical provision governs clinical standards for sexual and reproductive health, replacing the 1993 Standards for Responsible Parenthood, which had a marked demographic bias. The standards are based on fundamental bioethical principles: “doing good, not harm; equality and justice; and autonomy and respect for the individual”. With regard to sexual and reproductive rights, the standards affirm individual rights, and promote gender equality and women’s autonomy. ⁴⁰ Consistent with the Declaration of the Rights of the Child, they ensure confidentiality and care to adolescents at sexual and reproductive health service facilities.

³⁸ The issue of freedom of conscience began to be used selectively and opportunistically. The same chain (Farmacias Ahumada) continued selling the product in Peru (Casa, p. 10).

³⁹ Written in collaboration with experts from the Instituto Chileno de Medicina Reproductiva (ICMER) and the Asociación para la Protección de la Familia (APROFA). Complete text at <http://www.flacso.cl/flacso/biblos.php?code=2331>. Accessed December 2008.

⁴⁰ The standards include a chapter devoted specifically to sexual and reproductive health. Their main objective is to reduce unequal access to family planning resources, and to reduce induced abortions and adolescent pregnancy.

	The Catholic Church: <i>Where is Chile headed?</i>	Conservative sectors and the Church declare the emergency contraceptive to be a form of abortion, questioning adolescents' ability to make decisions related to their sexuality, and defending parents' right to be present at medical visits (in violation of the principle of confidentiality). ⁴¹
September 2006	31 Deputies (over 25% of the Chamber of Deputies)...	appeal to the Constitutional Court ⁴² to declare the Health Ministry's Exempt Resolution No. 584 unconstitutional. This resolution approves national fertility regulation standards. The claim of unconstitutionality is based on: - the administrative act itself; ⁴³ - the alleged nature of the contraceptive as a form of abortion, violating the alleged right to life of the child in gestation and thus violating the Constitution, as well as parents' right to educate their children, which would be jeopardised by providing confidential contraceptive services to adolescents.
2008	CCI Public statement: "National fertility regulation standards".	Several evangelical churches support the Fertility Regulation Standards, rejecting the arguments of the Catholic Church hierarchy.
22 April 2008	The ruling of the Constitutional Court...	partially favours the plaintiffs. Provision of the contraceptive by the Ministry of Health is restricted to cases of rape (i.e., all women in such cases are to have access to it). The issue of whether to provide the contraceptive to all women requesting it is left to the municipalities.
22 April	Mass demonstrations against the ruling.	Over 35,000 people demonstrate in the streets to protest the ruling of the Constitutional Court, which prohibits free distribution of the day-after pill at Ministry of Health facilities.
April	The Movement for the Defence of Contraception...	is formed, including some 30 organisations of women, feminists, unionists, women from poor neighbourhoods, indigenous women, women involved in the ecumenical movement, political parties, unaffiliated individuals and academics. In a public statement of April 2008, ⁴⁴ the Movement demands the right to use modern and effective contra-

⁴¹ This question was resolved with the signing of a Supreme Decree in November 2007.

⁴² The Constitutional Court, created by Law 17.997 on 12 May 1981, is an autonomous organ of the State and is independent of any other authority or branch of government. Its rulings may not be appealed (Article 32).

⁴³ Casas, 2008: 21/22.

⁴⁴ Published in Boletina Mujer Salud-Hable, vol. VII, no. 3, April 2008.

		<p>ception to regulate fertility and to empower women to make free decisions regarding when and whether to have children.</p> <p>The Movement calls attention to what it views as threats to this right from conservative and fundamentalist groups, self-styled “pro-life” parliamentarians “associated with the top levels of hierarchy within the Catholic Church, who arrogate to themselves the role of moral arbiter of Chilean society”. Once more, the secular status of the State is in doubt and obstacles are “placed in the way of the State’s technical and planning decisions designed to benefit a diverse citizenry”, while implementation of an effective policy to address inequities concerning the right to health services is impeded. An international legal action is currently being prepared.⁴⁵</p>
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The churches’ position in the conflict

The Catholic Church

The Vatican, the Catholic Church hierarchy, and conservative sectors in Chile and abroad are fearful of cultural change and the modernisation of society. Since the publication of the encyclical *Humanae Vitae* (1968), they have reiterated at all levels the negative effects of modernity on the stability of the social order, of which the family is the fundamental building block.⁴⁶

Thus, the Vatican has assumed a role as political actor at international conferences, where, in alliance with fundamentalist sectors of the Muslim world, it has blocked approval of agreements on gender equity and sexual and reproductive rights and exerted pressure to reverse agreements already reached at such conferences. At the national level, some groups in the Catholic Church have promoted the creation of new organisations to protect the family and the traditional order. Among those notable for their public role are the NGO Investigación, Formación y Estudios de la Mujer, (Research, Training and Studies on Women, or ISFEM)⁴⁷ and Fundación Chile Unido (the United Chile Foundation).⁴⁸

⁴⁵ After finishing this article, in June 2009, the Executive was left with no other option than submitting a bill to Congress. By then, with national election campaigns in full swing, emergency contraception entered presidential debates. In both Congress and Senate, several right-wing parliamentarians who had supported the 2006 lawsuit, now openly supported the bill. Finally, the bill passed Congress with the support of several RN and five (decisive) votes by UDI members. Senate followed with a 21 to 12 vote, including the support of two UDI senators. With the exception of one DC member, *Concertación* voted unanimously in favour of the bill. Decisions in both chambers were preceded by heated debates during which civil society from both the pro-life and pro-choice fractions was audibly present. The final hurdle was taken in January 2010, when the Constitutional Court approved the bill.

⁴⁶ Among the groups expanding their influence through NGOs, schools and universities are Opus Dei and the Legionnaires of Christ.

⁴⁷ ISFEM was created in 1995 as a commitment, by civil society, to defend human life and the family.

⁴⁸ The Fundación Chile Unida, created in 1998 and intimately connected with Opus Dei and the Legionnaires of Christ, defines itself as an organisation for dialogue, thought, and dissemination of the values

The hierarchy of the Catholic Church openly rejected the government's standards (Dides, 2006: 151ff), and positioned itself as championing a "culture of life", while defending the rights of the unborn against the "culture of death" allegedly promoted by the emancipatory movements. Two lines of argument appeared with great force here: biomedical arguments in support of the Church's moral positions, and a line of reasoning that cited the Church's efforts in defence of human rights under the dictatorship—precisely those human rights, according to its advocates, that the Church is now defending on behalf of the unborn.

The bishops' arguments turn on the definition of the beginning of human life, and the uncertainty of scientific knowledge on the subject. Already in November of 2000, the Pontifical Academy for Life, an institution created by Pope John Paul II, declared that emergency contraception to prevent implantation of a fertilised egg (which is already a human embryo) in the wall of the uterus is abortion.

The bishops' position is based, in part, on the views of a segment of Chile's medical and scientific community, which endorses the argument that emergency contraception is abortion. The Standing Committee of Chile's Episcopal Conference issued a statement entitled, "Where is Chile heading?" (Executive Committee of the Episcopal Conference, 2006), which focused its critique on the provision that gives adolescents access to the "morning after" pill without parental authorisation.

As central players in the effort to oppose the standards, the bishops employed new political and social arguments to legitimise their position. They warned of the twilight of motherhood on the horizon of the national bicentenary, as well as a supposed lack of debate and citizen participation in the process that led to the approval of the standards, which were established by decree, without any wide-ranging debate in the Congress. Thus, the bishops appeared to be unaware of the Ministry of Health's authority to establish standards for the services it provides. Rather, the bishops equated these with "public policies set by totalitarian regimes" to enable the State to "regulate the private lives of individuals" (ibid., p. 2).

The rhetoric of the Church and its allies was values-based, asserting that the standards "are anathema to the promotion of human dignity, or of a culture with values authentically based upon it", and that the standards militate "against fundamental social assets such as parents' freedom to control the education of their children", while jeopardising "completely defenceless human lives already conceived" (ibid., p. 7).

Similarly, in relation to adolescents' access to confidential health services, they assert that:

"to favour the right to privacy and the exercise of individual autonomy for adolescents... in practice means that they are deprived of the right to receive the support and guidance of their parents at an important and delicate moment in their emotional development" (ibid., p. 17).

The bishops publicly supported the legal actions of Catholic members of Congress (of both sexes) who appealed to the Constitutional Court to rule against approval of the standards by the Supreme Court and prevent their implementation:

essential to national harmony. Its programmes include "Communicate!" and "Welcome a life"; it also has an education section.

“[We] immensely value the fact that parliamentarians of different political groups have chosen the pro-life option. We owe them not only gratitude, but also support in their fundamental responsibilities to legislate in favour of life from conception to natural death, and to ensure that this choice translates into an option for the poorest and most marginalised, for the elderly and ill, for children, young people and women, for spouses and families, for the right to work and for the right to decent pay, i.e., for the freedom of choice to promote life, which is a gift of God and a human responsibility” (ibid., p. 30).

Within the Catholic Church in Chile there is a long tradition of liberation theology. Despite its positive positions on social equality, liberation theology has not taken a public position particularly favourable to sexual and reproductive rights. Thus, divergent voices within this tradition assume special importance. One of these belongs to the Brazilian theologian and nun Ivone Gebara,⁴⁹ who advocates decriminalising abortion in Brazil. Although her position garnered little support among her male colleagues, and the Vatican silenced her (Gebara, 1994), her statements have nourished discourse within the women’s movement in other countries of the region, and have helped to build arguments to support decriminalising abortion. As Gebara asserted:

“Regardless of whether or not it is legal, regardless of principles designed to protect life, regardless of the precepts that govern religions, abortion has been practiced. It is thus a clandestine, public and very noticeable fact... Legalisation is hardly, even, a major circumstantial aspect of a broader process of struggle against a society organised on the basis of the social abortion of its children. A society that does not have the objective conditions needed to provide work, health care, housing and schools is an abortive society. A society that forces women to choose between remaining at work and interrupting a pregnancy is an abortive society. A society that continues to allow pregnancy tests as a condition for employment is abortive. A society that is silent about the responsibility of men, and blames only women, and which does not respect their bodies and history, is an excluding, sexist and abortive society” (Gebara, 1994).

The evangelical churches

Although there are differences among evangelical churches, in some cases taking different positions on religious and political issues, they share a history of being in the minority, which has made them more sensitive to the effects of universalist rhetoric that denies the existence and legitimacy of different positions within the society.

In the case of the National Fertility Regulation Standards, evangelical churches have different positions, some openly favouring debate and directly supportive of the government’s initiatives.

⁴⁹ Ivone Gebara’s visit to Chile in 1993 was an important landmark in women’s theological thinking. Her course, “Caminos de la teología feminista en América Latina”, and her public talks attracted large numbers of women with a long history of commitment to social, political and Christian issues and the human rights of women, as well as women who had little patience left for frames of reference that excluded them (as women) from these struggles and included them even less in developing a theological discourse.

Although it does not enjoy the public visibility of the Catholic Church and its statements,⁵⁰ the Christian Brotherhood of Churches (Confraternidad Cristiana de Iglesias, or CCI), which includes different evangelical churches in Chile, issued an interesting public statement (CCI, 2008) that takes issue with the arguments set forth by the Catholic bishops (with the exception of certain Jesuit bishops) and other conservative forces. To objectivise the debate, it advocates changing the name of the Fertility Regulation Standards to “National Standards for sexual and reproductive health care”.

It recognises the State’s responsibility to make public policy based on an assessment of reality. It clearly distinguishes the State’s role vis-à-vis its citizens from that of the Church with its communities of faith. It praises the cautious nature of the standards “in recognising the diversity of views and ethical and religious perspectives present in the country, thus underlining the importance of respecting freedom of conscience”. Furthermore, it points to the negative effects—on those using health services—that could result from establishing a right to “conscientious objection”.

“Given the actual conditions of our health services, the application of this principle could result in denying requested services, affecting the rights of individuals using the system.”⁵¹

The CCI statement also expresses the organisation’s support for applying a consistent and well thought-out gender perspective, with recognition of the particular situation of women, as well as the need to provide men with guidance in this area:

“[T]he issues of sexual and reproductive health affect women in the context of a culture that delegates to them the entire responsibility both for preventing pregnancy and for childrearing. [...] At the same time, however, it offers guidance on men’s sexual and reproductive health services.”

As regards the conflict over the right of adolescents to confidential sexual and reproductive health services, the CCI believes that this regulation does not exclude parents, but rather fills the gap created by their *de facto* absence.

“It is well known that many fathers and mothers, whether due to disinformation, shame, fear or simple lack of interest, fail to provide active guidance around sexuality for their children, delegating this responsibility to others. The fact that an adolescent girl goes alone to a health centre to ask for guidance is frequently an indication of maturity on her part, and of a lack of guidance in the family.”

With respect to this right of adolescents, the statement adds that churches must recognise their own limitations in addressing sexuality, and calls for recognition of the State’s work in this area.

In relation to another point in the bishops’ critique—the diverting of energy and resources from the primary objective of overcoming poverty—the CCI recalled the close relation between economic status and conditions of sexual and reproductive

⁵⁰ Radio Tierra was the only media outlet present at the press conference at which the statement was released, on 29 September 2006.

⁵¹ This and the succeeding passages are from the statement.

health. The standards constitute a basic element of policy for overcoming poverty through the elimination of barriers to sexual and reproductive health services:

“[T]he document provides sufficient information and analysis to illuminate the close relationship between poverty and sexual and reproductive health. Poverty is clearly a barrier to access to sexual and reproductive health services, and thus it is precisely in the poorest sectors that one finds the highest teenage pregnancy, birth rates, and clandestine abortion. At the same time, these high rates of adolescent motherhood are clear predictors of the reproduction of the cycle of poverty, both for these mothers and for their children.”

The document concludes that:

“As churches, we must be far more diligent in developing effective educational programmes to show that the beauty and uniqueness of human sexuality, in order to manifest itself, requires the context of a loving relationship and a commitment to both personal and shared life plans.”

The evangelical churches thus play an important *legitimising role* for the government’s policies, by separating the roles of the church and the State, removing the debate from the polarising rhetoric pitting church and religion against State, and showing that there is a diversity of positions within the churches.⁵²

Alternative positions within the churches

New groups are emerging within the churches as a result of the inter-relationships between church members and the feminist movement. Various expressions of feminist theology are noteworthy in this regard, including the Con-spirando collective⁵³ in Chile, and the movement *Catholics for Free Choice*⁵⁴ at both the national and regional (Latin America) levels. Within the evangelical churches are pastors and lay people committed to gender equity and the promotion of sexual and reproductive rights, although these people are not closely inter-linked, nor do they have high public visibility as advocates.

In short, the issue of sexual and reproductive rights was placed on the agenda as the result of a series of simultaneous and sometimes contradictory processes. At the be-

⁵² We have not uncovered other public statements by evangelical churches, but there are more churches that seek a deeper examination of sexual and reproductive rights. Of note is the document “Población y reproducción humana”, of the Latin American Council of Churches (CLAI), an organisation that also includes many evangelical churches. The document proposes a common stance on reproductive rights, including enjoyment of all aspects of life. It also warns of relationships involving submission, the commercialisation or spiritualisation of sexuality, symbolic or theological violence against women, and sexism used by leaders to wield power and employed in biblical-theological interpretation.

⁵³ The Con-spirando collective was founded in 1991 by women of various Christian, political and feminist backgrounds. It publishes Con-spirando. Revista Latinoamericana de Ecofeminismo, Espiritualidad y Teología.

⁵⁴ Catholics for Free Choice emerged in 1973 in the United States. It arrived in Latin America in 1987, while Catholics for Free Choice was founded in Costa Rica. The eponymous Chilean group, like most of its equivalents in other Latin American countries, was formed in 1995.

ginning of the twenty-first century, we find ourselves living in a more modern society, one that is undergoing accelerated cultural change. The greater complexity of civil society and the coexistence of diverse (and in some cases contradictory) positions, the emergence of new social practices, the action of the State and the associated controversy, place the issue of sexuality and sexual and reproductive rights in the spotlight. Human rights as a cognitive framework, along with the influence of agreements made at international conferences, advance the legitimacy of progressive forces.

Governments have assumed a more central role in promoting equal access to sexual and reproductive health services for women and young people, with an emphasis on social and cultural diversity and the State's responsibility to the rights of all citizens.

Conflicts with the Catholic Church hierarchy persist, and the Church's rhetoric has renewed itself with a greater focus on biomedical and human rights arguments. The Vatican maintains a presence as a political actor at international conferences, and coordinates strategies with other fundamentalist sectors, while at the same time working increasingly to shift the advocacy of its position to civil society organisations, the self-styled "pro-life" groups.

In the case of emergency contraceptives, the neo-conservative sectors are moving the conflict into the courts, taking advantage of the 1980 Constitution, which makes the Constitutional Court the court of last resort.

In the public statements of the evangelical churches one sees a more thoughtful position, supportive of the government's policy of making emergency contraception available to all women who have need of it.

Emerging groups at the crossroads between Christian faith and the feminist or women's movement have participated actively in these expressions, although their rhetoric has not taken hold in the public arena.

CONCLUSIONS

The historical power of churches

From colonial times to the present, the Catholic Church has had an ongoing influence on the State, the political system and Chilean society. During the nineteenth century, when the Republic was created, the conflicts between the Church, the State and liberal political sectors turned on the issue of reducing the public and economic power of the Church and transferring the public functions that it performed to the State. In its fight against liberal proposals, the Church has generally enjoyed unqualified support from conservatives. Nevertheless, there have been tensions with conservative forces on particular issues. Conflict with anti-clerical liberal movements has been stronger and more systematic. Ultimately, liberal governments did succeed in reducing the power of the churches.

The evangelical churches were not only a minority, but were openly discriminated against, and were more likely than the Catholic Church to support liberal movements and freethinkers, who promoted measures to diminish the hegemonic power of the Catholic Church and permit the evangelical churches to conduct services. In the twentieth century, the emergence of new middle-class sectors, along with industrial development (particularly the nitrite industry) and the country's continuing social injustice, within an international environment increasingly working to combat inequality, brought the social issue and the need to transform the social order into the debate. The formation of the Communist and Socialist Parties, the Radical Party and the Christian

social movements led to the emergence of a diverse political camp committed to social equality. Within this camp, the struggle of women to participate in public life, gain the vote and achieve equality and autonomy were of vital importance. There were differing positions within the Catholic Church on the issue of equality, as well as on the degree of support that should be given to economically and politically powerful sectors.

The dictatorship represented a break in the democratic order, and its violations of human rights deeply affected the lives of individuals and groups. During the period of dictatorship, the Catholic Church and evangelical churches, with certain exceptions, supported anti-dictatorial social movements, organising and actively defending human rights, thus gaining a high degree of legitimacy within social and political movements. Nevertheless, the fact that a number of evangelical churches supported the dictatorship—partly to gain political power—stigmatised evangelical churches as a whole.

The Catholic Church was in conflict with the more emancipatory social movements, which questioned the existing order for its gender injustices, its emphasis on the traditional family, and the subordination of sexuality and reproduction to heteronymous moral prescriptions. At present, the most visible contradictions between the conservative forces (principally the Church) and the women's movement are on sexuality, family and education.

The controversy around sexual education and sexual and reproductive rights

The restoration of democracy opened up opportunities to propose new issues for debate, and helped in structuring and diversifying positions within civil society.

Nevertheless, the first Coalition governments, with Christian Democratic presidents, governed in a polarised political climate, one in which the army, the rightist parties and conservative sectors retained a great deal of power. At the same time, for different reasons, conservative forces in the Church had regained positions of power within the Church hierarchy.

To ensure governance and prevent a return to authoritarianism, these governments pursued a politics of consensus that limited their ability to be receptive to, or encourage the participation of, social organisations and movements. The members of the Coalition governments, many of them Catholic, thus appealed to the progressive sectors of the Church who had been their allies in the fight against the dictatorship, and to the more liberal wings of the right, to unite in an attempt to weaken the opposition of conservatives and Church authorities and advance reform efforts. This approach affected citizen participation, and made it difficult for a new perspective on issues of sexual education and sexual and reproductive health to make its way onto the agenda. During the 1990s, ecclesiastical authorities in the Catholic Church successfully distorted the meaning of sexual education proposals.

Beginning in 2000, with the enhanced stability of the democratic regime, constitutional reforms, judicial proceedings against Augusto Pinochet, and the election of Socialist Party presidents, new issues and discourse were incorporated into the agenda, representing a wider range of society's actors and practices.

In 2000, a number of factors facilitated a more open debate and growing participation by the citizenry. These included cultural changes, the enrichment of the political forces advocating a sexual and reproductive policy based on moral autonomy, efforts to fulfil commitments entered into at international conferences, and greater assertiveness on the part of the government. Feminist organisations, women from sexual minority

movements, and professional groups of medical workers and theologians, all came together to draft a bill that would provide a framework for sexual and reproductive rights—a fundamental landmark in addressing these issues.

Moreover, in 2000 a greater number of stakeholders were involved in the debate, and there was a broader range of cognitive frameworks being employed to address the problem, along with a wealth of opposing arguments operating at different levels—ethical, philosophical, institutional, political and social—stimulating a critical and thorough reflection on values and social norms, and on the role of individuals and groups in political and social decision-making.

The Catholic Church hierarchy supported the most conservative sectors in their defence of traditional positions on the family, the role of the State, and sexuality. Although there were different positions within the Catholic Church with regard to issues of political and economic power, there was much less—and less visible—disagreement on issues of family and sexuality.

The Church's institutional and hierarchical structure makes internal dissent difficult, although it does not entirely eliminate it. Within the Church, it is women who have developed the progressive positions. From minority or marginalised positions, whether individually or collectively (in groups such as Catholics for the Right to Choose), they have exposed the sexist nature of Church structures, the ways in which power has been used, and the subjugation of women.

The evangelical churches, with their greater diversity, and lacking a centralised hierarchical institutional structure, have adopted a broader range of religious and political positions, often supporting more liberal and lay positions. This has given them greater visibility and a higher level of participation, while helping to legitimise the more progressive policies of the Coalition governments.

During the governments of the Coalition, the political profile of the evangelical churches has gained prominence. This is due to a significant increase in membership, and to the fact that the government has invited them to participate in fora (such as the Truth and Reconciliation Commission and the Valech Commission) designed to bring to light and address human rights violations, as well as in discussions on sexual education and sexual and reproductive health policies.

Moreover, in response to invitations from the Coalition governments to lend their religious voice to political processes, they have systematically criticised the arguments of the Catholic Church. As a result, the diversity within Christianity has been given greater visibility, while at the same time reducing the hegemony of the Catholic Church.

The current situation, as has been detailed here, provides a favourable environment for the development of a public policy to overcome the subordination of women, particularly with regard to issues of equality. At the time this article was written, the 2009 presidential elections, in which the Alliance for Chile and the Concertation, as well as two candidates from the left, vied for the presidency, had not yet taken place. As is widely known, the candidate of the centre right won that election by a narrow margin. The changed political coalition in power may have negative implications for the recognition of individual and political rights of women. In fact, the politicians of the right have exerted pressure to establish as goal policies of stability and harmony of the traditional family, pre-eminence of the market in providing basic services, reduction of the state thereby limiting the possibility of influencing gender policy. SERNAMEC policy now omits any reference to sexual and reproductive rights.

However, a strong tension remains between the demands for women's autonomy and freedom, and the churches' doctrinal frameworks.

It will be important to monitor the development of differences among the churches, and the alternative positions that emerge within them and that have the potential to press for a reinterpretation of doctrine. Thus, women, despite their subordination to a hierarchical male order, are acting to change the structures of the churches, and to incorporate women's demands for equality and autonomy.

By way of concluding, and touching upon a subject of paramount importance in a global, multi-cultural world, let us acknowledge the different paths—often emanating from disparate cultural horizons and cognitive frameworks—that can lead the way towards equality, autonomy, freedom and solidarity.

Bibliography

Araujo, Kathya (2005), "Sobre ruidos y nueces: debates chilenos en torno a la sexualidad", in *Revista Iberoamericana*, no. 19, pp. 109-126.

Araujo, Kathya (2008), "Entre el paradigma libertario y el paradigma de derechos: límites en el debate sobre sexualidades en América Latina", in Kathya Araujo/Mercedes Prieto (eds.), *Estudios sobre sexualidades en América Latina*, FLACSO Ecuador, Quito.

Arriaga, Paula; Paola Abatte; Silva María de la Luz; Vera Rodrigo (1997), *Jornadas de conversación sobre afectividad y sexualidad*. Colección programas de la mujer. Ministry of Education, Santiago, Chile.

Baubérot, Jean (2007), *Les Laïcités dans le monde. Que sais-je?* PUF, Paris.

Bonan, Claudia (2002) *Reflexividade, sexualidade e reprodução: Processos políticos no Brasil e no Chile*. Universidade Federal do Rio de Janeiro. Institute of Philosophy and Social Sciences, post-graduate programme in sociology and anthropology.

Bonan, Claudia (2001), "Sexualidad y reproducción en la era de los derechos", *Revista Con-spirando*, no. 37, Santiago, Chile.

Bonan, Claudia (2003), "Sexualidad, Reproducción y Reflexividad: En Busca de una Modernidad Distinta", in Araujo, K. and Ibarra, C. (eds.), *Sexualidades y Sociedades contemporáneas*. Colección Seminarios. Universidad Academia de Humanismo Cristiano, Santiago, Chile.

Brotherhood of Christian Churches (2008), public statement: "Normas nacionales sobre regulación de la fertilidad", Santiago, Chile.

Casas, Lidia (1995), *Mujeres procesadas por aborto*, Foro Abierto de Salud y Derechos reproductivos, Santiago, Chile.

Casas, Lidia (2008), “La saga de la anticoncepción de emergencia en Chile. Avances y desafíos”, FLACSO, Programa Género y Equidad, Serie Documentos Electrónicos 2, November 2008.

Comisión Intersectorial para la Prevención del Embarazo Adolescente (Servicio Nacional de la Mujer, Mineduc, Minsal, INJ), 1996. *Marco de Referencia y Fundamentos de las JOCCAS*, Santiago, Chile.

Comité Permanente de la Conferencia Episcopal de Chile (1996), “Acerca de la educación sexual”, Santiago, Chile.

Comité Permanente de la Conferencia Episcopal de Chile (2006), “¿Hacia dónde camina Chile?” <http://www.zenit.org/article-20222298?/=spanish>

Comité Permanente de la Conferencia Episcopal de Chile (2007), “Acoger y promover la vida”, Santiago, Chile.

Comité Permanente de la Conferencia Episcopal de Chile (2001), “En defensa de la vida humana”, Santiago, Chile.

CONASIDA (2000), *Estudio Nacional de Comportamiento Sexual*. Ministry of Health, CONASIDA, Santiago, Chile.

Conferencia Episcopal de Chile (2003), “Tratemos a los demás como queremos ser tratados”, final declaration of the 86th Plenary Session of CECH, Father Hurtado.

Congregation for the Doctrine of the Faith (2003), *Letter to the Bishops of the Catholic Church on the Collaboration of Men and Women in the Church and in the World*, Rome.

Croxatto, Horacio (2008), “La ciencia y la Píldora Anticonceptiva de emergencia”, in Boletín CLAE, vol. vi, no. 1, May 2008.

Consejo Latinoamericano de Iglesias (CLAI), Población y Salud Reproductiva (1999), *Una propuesta para la comprensión del fenómeno y para la práctica pastoral*. Editorial Departamento de Comunicaciones CLAI, Quito, Ecuador.

Dides, C.; D. Canales; P. Isla; S. Pérez (2002), *Diagnóstico sobre sexualidad, corporalidad, salud sexual y reproductiva en comunidades cristiana y macroecuménicas en Santiago*. GES, Santiago (unpublished).

Dides, Claudia (comp.) (2004), *Diálogos Sur-Sur sobre Religión, Derechos y Salud Sexual y reproductiva: los casos de Argentina, Colombia Chile y Perú*, Universidad Academia de Humanismo Cristiano, Programa de Estudios de Género y Sociedad, Santiago, Chile.

Dides, Claudia (2006) *Voces en emergencia: El discurso conservador y la píldora del día después*, FLACSO, UNFPA, Santiago, Chile.

Encíclica Humanae Vitae (1990), Congregación de la Doctrina de la Fe. Ediciones Paulinas. Santiago, Chile.

Facultad de Derecho, Universidad Diego Portales (2007), *Informe anual sobre derechos humanos en Chile: Hechos de 2006*, Santiago, Chile.

Fernández, Jaime (1997), “JOCAS. La punta de un iceberg.” Editorial Patris S.A., co-published with Fundación Profamilia.

FLACSO Programa de Género y Equidad (2007), *Salud sexual y reproductiva en Chile. Actualización de datos estadísticos*. Santiago, Chile.

Figueroa Juan Guillermo (coord.) (2002), *Ética Religión y Reproducción: Apuntes para una discusión. Católicas por el Derecho a Decidir*, Mexico City.

Fundación Chile Unida (2000), “Teen Star: una experiencia exitosa en educación sexual”, *Corriente de opinión*, September, no. 34.

Gebara, Ivone (1994), “El aborto no es pecado” and “La legalización del aborto desde el caleidoscopio social”, 1993, *Revista Con-spirando* (offprint), Santiago, Chile.

Government of Chile (2007), *Escrito Presentado Por El Gobierno Al Tribunal Constitucional*, Santiago, Chile.

Grupo Iniciativa (1999), *Encuesta Nacional: Opinión y actitudes de las mujeres chilenas sobre las condiciones de género*, Santiago, Chile.

Hexagrama Consultoras (2007), Proyecto: “Construyendo y Sumando Vocerías: Despenalización y Ampliación del Aborto Terapéutico”, analysis of Aborto 2007 surveys by Natalia Flores, Alejandra Valdés and Patricia Zamora.

Hurtado, Josefina; Soledad Pérez, Claudia Dides (2004), “El debate sobre derechos sexuales y reproductivos en Chile: ¿Separación Iglesia-Estado?” in Dides, Claudia (comp.) *Diálogos Sur-Sur sobre Religión, Derechos y Salud Sexual y reproductiva: los casos de Argentina, Colombia Chile y Perú*, Universidad Academia de Humanismo Cristiano, Programa de Estudios de Género y Sociedad, Santiago, Chile.

Iglesia Evangélica Luterana en Chile (1995), “Reflexionando sobre la sexualidad humana”, provisional document, in *Hablemos de sexualidad. Pensamiento de una Iglesia joven*. http://www.ielch.cl/Documentos/Doc_Estudio/documentos_estudio.htm

Informe Sombra CEDAW Chile 2003-2006.

Instituto Chileno de Medicina Reproductiva (2006), *Anticoncepción Hormonal de Emergencia*, Santiago, Chile.

Instituto Chileno de Medicina Reproductiva (2006), *Etica y Derechos sexuales y Reproductivos en Regulacion de la fertilidad*, Santiago, Chile.

Instituto Nacional de la Juventud INJUV, V Encuesta Nacional de Juventud 2007. <http://www.injuv.gob.cl/pdf/Vencuestaprensanoviembre.pdf>

Kleincsek, Magdalena et al. (2004), *Evaluación de impacto a largo plazo de las Jornadas de Conversación sobre Afectividad y Sexualidad (JOCAS) en la comunidad educa-*

tiva y las familias en las regiones IV, VII y Metropolitana, ONG EDUK, Santiago, Chile.

Largo, Eliana; Edda Gaviola; Sandra Palestro (199X), *Mujeres en Chile: Una historia necesaria (1973-1990)*, Santiago, Chile.

Le Monde Diplomatique (2001), *El poder del Opus Dei*, no. 12 , Editorial Aún creemos en los Sueños, Santiago, Chile.

Le Monde Diplomatique, *Involución de la Iglesia Católica: El Catolicismo del Siglo XXI. De la Teología de la liberación al Papa Benedicto XVI*, Editorial Aún creemos en los Sueños, Santiago, Chile.

Lowy, Maxine (2008) *Sembradoras de fe y esperanza. El legado de las mujeres de comunidades cristianas populares*, Editorial Universidad Bolivariana, Santiago, Chile.

Maira, Gloria; Paula Santana; Siomara Molina (2008), *Violencia sexual y aborto. Conexiones necesarias*, Red Chilena contra la Violencia Doméstica y Sexual, Santiago, Chile.

Merks, Karl-Wilhelm (2000), *Hacia una ética de la fe: Moral y autonomía*, Tópicos '90, Centro Ecuménico Diego de Medellín, Santiago, Chile.

Ministry of Education (1993), *Política de Educación en Sexualidad Para el Mejoramiento de Calidad de Educación*, fourth edition (2001), Ministry of Education, Santiago, Chile.

Ministry of Education, General Education Division (2000, second edition), *Asistencia Técnica para la Educación en Afectividad y Sexualidad. Catálogo de Instituciones*, Santiago, Chile.

Ministry of Education (2008), Secretaría Técnica de Educación en Sexualidad y Afectividad, *Plan de acción de educación en sexualidad y afectividad del ministerio de educación*.

Ministry of Health (2006), Normas nacionales sobre Regulación de la Fertilidad, Santiago de Chile, drafted in collaboration with experts from the Instituto Chileno de Medicina Reproductiva (ICMER) and the Asociación para la Protección de la Familia (APROFA), complete text at: <http://www.flacso.cl/flacso/biblos.php?code=2331>, accessed December 2008.

Mons. Alejandro Goic Karmelic (2007), “Por un Chile más humano”, statement by the President of the Episcopal Conference of Chile to the Health Committee of the Chamber of Deputies, Valparaíso, Chile, 6 November 2007.

Mons. Héctor Vargas Bastidas (2004), “Observaciones del Área de Educación de la Conferencia Episcopal al informe final de la comisión de evaluación y recomendaciones sobre educación sexual”, Santiago, Chile.

Nuggent, Guillermo; López Jiménez, Sinesio; Abad Yupanqui, Samuel et al. (2003), *Estado Laico: A la sombra de la iglesia*, Ediciones Centro de la Mujer Peruana Flora Tristán, Lima, Peru.

Ossa, Manuel (1999), *Iglesias evangélicas y derechos humanos en tiempos de dictadura. La Confraternidad Cristiana de Iglesias 1981-1989*, Centro Ecuménico Diego de Medellín, Santiago, Chile.

Oviedo, Carlos (1991), *Moral, Juventud y Sociedad Permisiva*, Santiago, Chile.

Oyarzún, Kemy (2007), “En Busca de Cuerpo y Vestidura: Iglesia, Cultura y Género”, at www.fes.cl/documentos/Genero/progenero2007/oyarzun.pdf

Palma, Irma; Humberto Abarca; Paula Arriagada (researchers) (2003), *ConTacto: Sexualidades en conversación, Proyecto FONDEF DOOII043 CONICYT 2001-2003*, Universidad de Chile-Facultad de Filosofía y Humanidades-Centro de Estudios de Género y Cultura en América Latina, Santiago, Chile.

Parker, Cristián (2004), *¿América Latina ya no es católica? (Cambios culturales, transformación del campo religioso y debilitamiento de la Iglesia)*, presented at LACSA, Las Vegas, Nevada, 7-9 October, 2004.

Proyecto Ley Marco sobre Salud y Derechos Sexuales y Reproductivos (2000), updated May 2008, Santiago, Chile.

Revista Mensaje, no. 454, November 1996 (on JOCAS), Santiago, Chile.

Seibert, Ute (1991), “Apuntes sobre fe y política. Experiencias en el protestantismo chileno entre 1964 y 1973”, in *Tópicos '90*; Centro Ecuménico Diego de Medellín, Santiago, Chile.

Seibert, Ute (1994), *Mujeres construyendo espacios. El Programa Teología desde la Mujer*.

Sepúlveda, Juan (1999), *De peregrinos a ciudadanos: Breve historia del cristianismo evangélico en Chile*. CTE—Konrad Adenauer, Santiago, Chile.

Servicio Evangélico para el Desarrollo (SEPADE), “Orientaciones sobre sexualidad para los Establecimientos Educativos de SEPADE”, includes Declaración pública CCI, CTE, SEPADE: *Sobre Educación Sexual*. Santiago, 18 November 1996.

Servicio Evangélico para el Desarrollo SEPADE, “Programa de Desarrollo y Participación Ciudadana. Bases Conceptuales”, at <http://www.sepade.cl/publicaciones/>

Servicio Evangélico para el Desarrollo SEPADE, “Caminos de Unidad Evangélica en Chile: Historia y Desafíos”, at <http://www.sepade.cl/publicaciones/>

Servicio Evangélico para el Desarrollo SEPADE, “Relaciones Iglesia—Sociedad en la historia del cristianismo y del pueblo evangélico chileno”, at <http://www.sepade.cl/publicaciones/>

SERNAM/MINEDUC/MINSAL (2000), “Propuesta Gubernamental: Hacia una Sexualidad Responsable”, Santiago, Chile.

Shepard, Bonnie (2000) “El *Doble Discurso* sobre los Derechos Sexuales y Reproductivos en América Latina: el Abismo entre las Políticas Públicas y los Actos Privados”, in *Conciencia Latinoamericana*, vol. xii, no. 3.

Shepard, Bonnie (2009), *La Salud Sexual y Reproductiva: una carrera de obstáculos*, Editorial Catalonia, Santiago, Chile.

Sjorup, Lene (1998), *El Dios del Cuco. Religion, nationalism and the resistance of women living in poverty in Pinochet's Chile*, unpublished manuscript.

Sjorup, Lene (1999), *The Vatican and Women's Reproductive Health and Rights*. Feminist Theology, no. 21, UK.

Sjorup, Lene (1999), “Women Negotiating Ethics”, in *Gender, Technology and Development*, Sagha Publications, New Dehli.

Sjorup, Lene (2000), “Religión y reproducción: el Vaticano como actor en el campo global”, in *Revista Con-spirando*, no. 32, Santiago, Chile.

Vaggione, Juan Marco (2005), “Los Roles Políticos de la Religión, Género y Sexualidad más allá del Secularismo”, in Marta Vasallo, *En nombre de la vida*, Católicas por el Derecho a Decidir, Buenos Aires.

Vera, Rodrigo (1998), *Educación Comunitaria de Resonancia para la Salud Sexual y Reproductiva de Adolescentes y Adultos. “Aprendiendo a decidir.”* United Nations Population Fund, Santiago, Chile.

Vuola, Elina (2000) *Los límites de la liberación. La praxis como método de la Teología Latinoamericana de la Liberación y de la Teología Feminista*. IEPALA, Madrid.

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Gabriela Pischeda, responsible for SERNAM's Program to prevent adolescent pregnancy at the time of implementation of the JOCAS.

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