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Chile Broadens Women's Access to Morning-after Pill

by LADB Staff

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Chile's President Michelle Bachelet expanded public access to contraceptives in September by allowing women and girls as young as 14 to obtain contraception including the morning-after pill. The move angered church groups, although a federal court rejected an effort to block the contraceptive-distribution program.

Morning-after pill available to 14 year-olds

Chile began supplying free morning-after pills to girls 14 years old or older in the last week of September under a program that has created an uproar in the politically leftist but socially conservative country, which still outlaws all abortions and only legalized divorce two years ago (see NotiSur, 2003-08-08, 2004-05-21 and 2004-12-17). The liberalized contraceptive policy is close to the heart of President Bachelet, a Socialist physician who took office as Chile's first female president in March vowing to promote equality between men and women (see NotiSur, 2006-03-17).

"Equality means that, for a person who does not have choices, who does not have options, we have to give them these options," Bachelet told the Associated Press at the UN in late September. "We will focus more on sexual education, on prevention, and have a whole range of alternatives that include abstinence, natural methods, and a contraceptive program. At the last we have the emergency pill, because it is for that an emergency." When asked if her strong support of the morning-after pill could be a gateway to introducing legalized abortion, Bachelet deflected the question. She simply said abortion was "not part of our program."

It also echoes a debate between reformers and conservatives across Latin America, where the Catholic Church is a powerful force and opposes most efforts to broaden women's reproductive rights (see NotiSur, 2005-03-18 and 2006-05-26). The government program provides contraceptives including the morning-after pill to girls as young as 14 without notifying their parents. Until now, the age limit was 16, and the morning-after pill was given only to women who had been raped. The government began handing out the pills at the end of September after the Fifth Appeals Court of Santiago lifted an injunction won by two conservative mayors and a Catholic parents association.

Pablo Zalaquet, mayor of the middle-class Santiago suburb of La Florida, called the Sept. 22 ruling "a slap in the face of Chile's mothers and fathers," and said the court battle would continue. Health Minister Maria Soledad Barria said free contraceptives would help reduce adolescent pregnancy, especially among the poor. Her ministry says women ages 15 to 19 account for 17% of pregnancies nationwide and estimates that 32,000 women go to hospitals each year for complications from abortions.

The Catholic parents association says contraceptives encourage sexual promiscuity and increase sexually transmitted diseases among youths, and Catholic high school students protested in
the capital, carrying balloons and Chilean flags. But many younger Chileans say their parents' generation is out of touch and that teenagers need medical support because they are already having sex. "I would not use it, but I think it is a good idea to make it available at age 14, and without telling the parents," high school student Maria Jose Guzman said. "Many girls...would be ashamed to tell them they had sex."

The morning-after pill contains the hormone levonorgestrel and prevents pregnancy by inhibiting ovulation or fertilization of an egg. To be effective, it must be taken within 72 hours of intercourse. Church fights contraceptive access throughout region Religious leaders compare the pill to abortion and say it violates the right to life. A statement by Chile's Catholic bishops equates the program to "policies imposed by totalitarian regimes to establish state control over the intimate lives of citizens."

Despite the court ruling, Mayor Marta Ehlers of Lo Barnechea, an upper-class district in Santiago, said her municipality would not implement the program, "even if it means that I have to go to jail."

Chile's struggle regarding contraception and abortion is echoed around Latin America. In neighboring Peru, a nonprofit Catholic organization won an injunction blocking free distribution of the morning-after pill in public clinics in September 2005. Peru's Congress is now debating whether to let pharmacies sell the pills without a prescription to women over 18. In Paraguay, church leaders have repeatedly condemned the availability of the morning-after pill and opposed efforts to distribute donated contraceptives.

Argentina's leftist government is debating whether to liberalize laws that make abortion a crime in most circumstances. And, in Nicaragua, conservatives caused an uproar in 2004 when a women's group arranged an abortion for an 11-year-old rape victim and earlier when a nine-year-old rape victim was in a similar situation (see NotiCen, 2003-02-27). Since then, Nicaragua has joined the ranks of El Salvador and Chile as countries that forbid abortion even in cases of rape, incest, and danger to the life of the mother (see NotiCen, 2006-11-02).

The US Food and Drug Administration (FDA) began allowing nonprescription sales of the morning-after pill to adult women in August after a long battle. Women 17 and younger still need a prescription. Until now, analysts have generally characterized Chile as a socially conservative nation. About 75% of the population calls itself Catholic, and divorce only became legal in 2004. The morning-after pill became legal in Chile in 2002 after a Corte Suprema battle, and two-pill packages sell in pharmacies for US$22. But the government says that the price is beyond the reach of poorer women. It noted that 3,954 packages of the pills were sold in 12 months in five affluent Santiago districts, and just 344 in five poorer ones.

Before the Appeals Court stopped the injunction against the morning-after pill, Secretary-General of the Presidency Ricardo Lagos Weber asked, "Does this mean that a youth of 17 will have to go to pharmacies accompanied by a parent to purchase a condom?" He went on to ask, "Will it be that youths who can come to a pharmacy with resources in their pockets to buy contraception will not be able to do so? Here there is a policy that appears to us to be reasonable, healthy, and is an option..."
for those youths who need to have information about sexual relations, to have caution, and to not transmit sexual diseases and, at the same time, prevent unwanted pregnancies."

"What is at the core of the debate is whether religion can trump science and scientific evidence," said Luisa Cabal, an expert on women's health issues and international legal director at the New York-based Center for Reproductive Rights, an advocacy group that supports abortion rights. She dismissed critics' arguments that the pill is tantamount to abortion. "Important international institutions such as the World Health Organization (WHO) have established that emergency contraception is a form of contraception, not abortion."

For Bachelet, the question of teenage pregnancy is a problem that drains the country's resources and must be at the center of any women's-health policies. She quotes government studies indicating that almost 14% of Chilean women are teenage mothers. For that reason, the Chilean government program of distributing the morning-after pill is an essential role for the state, she said, though the final decision must be made by the individual. "The state only gives the option. The person decides by their own values, by their own beliefs," she said. "We don't impose anything on anyone."

Split in ruling coalition

Not only has the controversy regarding the pill created a split between the government and the church, it has also driven a wedge into the ruling Concertacion coalition. Coalition partner Democracia Cristiana (DC) opposes efforts by Bachelet's administration to broaden access to the morning-after pill. The DC lost some influence in the ruling coalition after Bachelet, a Partido Socialista (PS) member, came to power, although it is still the largest party in the coalition.

DC Sen. Soledad Alvear, who failed to gain traction against Bachelet early in the presidential primary campaign of 2005 and dropped out of the race to support Bachelet (see 2005-06-10), distanced herself from the Bachelet administration after the contraceptive-distribution program passed legal muster. "In the case of 14-year-old girls, they should have permission from their parents," said Alvear, the DC party president. "They can't vote or drive a car or even buy cigarettes until they are 18." The government, however, is not backing down.

"We will do it. This is a matter of public health," Health Minister Barria said. Since the decision, Bachelet has seen a slight increase in her approval ratings, although many factors other than the contraceptive-distribution program likely contribute to the increase. A study by the Centro de Estudios de la Realidad Contemporanea (CERC) found a two-point increase in approval for Bachelet's seven-month-old government, giving her 59% approval. The study polled 1,200 people around the country Oct. 3-13 and had a margin of error of 2.34%.

CERC director Carlos Huneeus found approval for the morning-after-pill program at 48% and opposition at 46%. In the same survey, a majority of 58% approved of the decision not to support Venezuela's campaign to be the Latin American representative at the UN Security Council (see NotiCen, 2006-10-26 and 2006-11-09). The quelling of mass student protests (see NotiSur, 2006-06-23 and 2006-07-28) also may have contributed to Bachelet's increase in popularity.