4-8-2016

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Benjamin Witte-Lebhar

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Bill to Ease Chile’s Blanket Abortion Ban Clears Lower House

by Benjamin Witte-Lebhar
Category/Department: Chile
Published: 2016-04-08

Chilean lawmakers took a major step last month toward scaling back the country’s all-out prohibition of abortion, voting 66-44 in the Chamber of Deputies to allow the practice in three specific circumstances: when a pregnancy puts the mother’s life at risk, is the result of rape, or when the fetus is deemed nonviable, meaning it is unlikely to survive.

The decision, on March 17, followed a year of deliberations that culminated in a raucous debate, the day before, on the congressional floor. While legislators on the left called the government-backed initiative a crucial and long-overdue step on behalf of women’s rights, conservative opposition deputies attacked it as a moral affront. “It is so permissive, so general, that’s it is obviously a prelude to legalizing eugenics,” said Deputy Gustavo Hasbún of the hard-right Unión Demócrata Independiente (UDI).

Chile’s unusual and, until now, unyielding stance on abortion dates back to the waning days of the dictatorship of Gen. Augusto Pinochet (1973-1990). The South American nation is one of just a handful of countries in the world to completely outlaw the practice, even in cases of rape or incest, or to save the mother’s life. In Latin America, El Salvador, Nicaragua, Haiti, Honduras and the Dominican Republic also have blanket abortion bans (NotiCen, Feb. 19, 2015).

The vote in the Chamber of Deputies, the lower house of the Chilean Congress, represents a significant, albeit partial, victory for the administration of embattled President Michelle Bachelet, who still needs to get the measure through the Senate. “It’s a very important first step,” Health Minster Carmen Castillo told reporters. “It establishes clear rules of the game.”

Bachelet and her allies in the broad Nueva Mayoría coalition prevailed despite a handful of nay votes by members of the Partido Demócrata Cristiano (PDC), the governing bloc’s most conservative faction. The dissenting PDC deputies sided with members of the rightist Chile Vamos coalition, which includes the UDI, Renovación Nacional (RN), Evolución Política and Partido Regionalista Independiente (PRI) parties.

Bachelet, a trained pediatrician and the country’s first female head of state, formally proposed the new rules in January 2015, just weeks before bombshell revelations in the press implicated her son and daughter-in-law in a damaging real estate scandal (NotiSur, Feb. 13, 2015). Fallout from that and a number of other corruption-related cases, some linked to members of the right-wing opposition, have contributed to a confidence-in-leadership crisis that has wreaked havoc on the president’s approval rating (NotiSur, April 24, 2015). Poll numbers released early last month by Plaza Pública Cadem estimate public support for Bachelet at just 23%.

The Senate is not expected to vote on the matter for another six to eight months, at the earliest. The Bachelet administration announced shortly after the Chamber of Deputies vote that it would not fast-track the bill. It is adamant, nevertheless, that the matter be decided before the president’s
term ends in March 2018. Bachelet, a member of the Partido Socialista (PS), is in her second non-consecutive term. She first led the country from 2006 to 2010. “This is a project that must not spend an eternity in the Senate. But there does need to be space for dialogue, reflection, and for a conversation with the senators,” said government spokesperson Marcelo Díaz.

**Majority backing**

Bachelet has struggled mightily since news of the so-called Caval corruption case, involving her son, Sebastián Dávalos, broke in February 2015. Dávalos is accused of using his political connections to secure a multi-million-dollar loan for his wife, who used the money on a lucrative real estate deal involving land that was soon to be rezoned. Complicating matters for Bachelet is a sluggish economy that grew just 2.1% last year, according to the Banco Central. The International Monetary Fund (IMF) forecasts a similar growth rate for 2016.

In the case of abortion legislation, however, the president appears to have public opinion very much on her side. A Plaza Pública Cadem poll released March 28 found that 66% of Chileans agree with the decision in the Chamber of Deputies. Only 28% of respondents openly disagreed with the result. Bachelet also has the backing of groups such as Amnesty International (AI), which has long complained about the country’s “draconian” approach to the issue, and the Federación de Estudiantes de la Universidad de Chile (FECH), an influential student organization.

On March 21, members of the FECH held a counter-demonstration in front of La Moneda, Chile’s presidential palace, where they clashed with backers of the all-out ban. “There is an obvious class bias [to Chile’s abortion rules],” FECH organizers said. “The poor women of this country have to deal with undesired pregnancies because they don’t have the option of terminating a pregnancy by paying for a private clinic, as wealthier women can.”

The FECH and other critics of the Pinochet-era abortion prohibition say that allowing women who have been raped, know that the fetus growing inside them will die, or face serious health risks themselves is the least the state can do. Many would like the ban to be eased further still to reflect what happens in practice, if not in theory, in Chile, where tens of thousands of clandestine abortions are believed to take place every year.

> “Enough with insulting women, attacking us, censuring us, calling us killers,” Deputy Camila Vallejo of the Partido Comunista de Chile (PCCh) said during the March 16 debate in Congress. “I’m sure that if men gave birth, abortion would have been allowed a long time ago.” Vallejo, a former FECH president, rose to prominence during the student-led education reform movement of 2011-2012 ([NotiSur, Aug. 19, 2011](http://www.notisur.cl)). She joined the Chamber of Deputies in March 2014 (five months after giving birth to a daughter) along with three other former student leaders: Giorgio Jackson, Karol Cariola and Gabriel Boric.

**Mixed loyalties**

Even with such clear public support, pushing the bill through the Senate will be no easy task for the Bachelet administration. Its biggest stumbling block is the PDC, one of the pillars of the center-left Concertación coalition that dominated Chilean politics for two decades after the return of democracy in 1990. Chileans elected four consecutive Concertación presidents before opting in 2010 for Sebastián Piñera (2010-2014), a billionaire investor and former RN senator ([NotiSur, Jan. 22, 2010](http://www.notisur.cl)).

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The Christian Democrats have lost influence in recent years as their numbers in the legislature have waned and as a result of Bachelet’s decision to expand the coalition—now called the Nueva Mayoría—leftwards, most notably by bringing in the PCCh (NotiSur, Aug. 8, 2014). But with regards to this particular issue, the PDC represents the key swing vote needed to approve all or at least some of the three abortion-ban exceptions.

Expected on the one hand to show loyalty to Bachelet and her governing coalition, the PDC also faces pressure to defend its “Christian” principles. During last month’s heated Chamber of Deputies debate, Deputy José Antonio Kast (UDI), in a clear allusion to the PDC, accused “some lawmakers” of maintaining a “double standard” by spending their Sundays in church after ignoring religion during the workweek in Congress. “Many legislators have given up on their convictions for the sake of politics and polls,” he said. “If they’re not doing it for the poll numbers, how else do you explain the union of a Christian party [PDC] with the Communist Party?”

Chile’s Catholic leadership, for its part, adamantly defends the no-exceptions abortion ban. Melipilla Bishop Cristián Contreras, the secretary general of the Conferencia Episcopal de Chile (CECh), described last month’s Chamber of Deputies vote as “a tragic expression of the culture of waste” and said that rather than allow abortions, the state should provide more “accompaniment” services to women with “difficult pregnancies.” He also called on senators to “study what they’re legislating carefully.”

The PDC’s dilemma is such that even Bachelet’s top Cabinet official, Interior Minister Jorge Burgos (PDC), admitted recently that he feels conflicted over the issue. “If I were a legislator, I would have my doubts with regards to the third exception [rape],” he said in an interview with CNN. Burgos is not the only Christian Democrat to take issue with the rape clause, which some in the party see as being too subjective of a criterion. One possibility is that the PDC will ultimately try for a negotiated settlement, joining the left in approving abortions for cases of non-viable fetuses, or when the mother’s life is at risk, but opposing it for rape victims. “I’m not certain that what was approved in the Chamber will also be approved in Senate,” Sen. Jorge Pizarro, who recently stepped down as president of the PDC, told reporters March 17.

The government’s abortion bill will also face scrutiny in the coming months from the Tribunal Constitucional (TC), the country’s constitutional court, which will consider a challenge presented by the opposition Chile Vamos coalition. The TC is reported to have a narrow conservative bias following the designation, last August, of opposition-linked attorney José Ignacio Vásquez to replace Francisco Fernández, a PS affiliate.

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