

NEWS / CHILE

What will Pinera's win mean for Chile's abortion law?

by Charlotte Mitchell

2 hours ago



The new law brought an end to the country's absolute ban on abortion [Courtesy of Miles Chile Corporation]

Women's rights groups in [Chile](#) are expressing concern over what the election of conservative billionaire businessman Sebastian Pinera as president will mean for a landmark abortion bill passed last year.

The bill, [approved](#) by Chile's Constitutional Court in August 2017, legalises abortion in exception circumstances.

Known as the "abortion under three circumstances law", the legislation says a woman can have an abortion if there is a danger to her own life, if the fetus has a terminal condition, or if she has been raped.

In the case of rape, women may only have abortions within the first 12 weeks of pregnancy.

The law brought an end to the country's absolute ban on the procedure that had been in place for nearly 30 years.

Politicians had previously struggled to pass reform legislation, as the "right to life" of "those about to be born" is enshrined in the country's constitution.

But after sustained efforts by rights groups and centre-left President Michelle Bachelet, the law was passed.

Now, with the [election](#) of Pinera, who has in the past said the "state will always be pro-life", rights groups have raised concerns over how the law will be implemented once he takes office.

"I think it was inevitable that a conservative government would win," said Claudia Dides, executive director of the Miles Chile Corporation, an NGO promoting sexual and reproductive rights in Chile.

"All you have to do is look at how [right and centre-right politicians] voted on the abortion law to know that there will be problems implementing it," she told Al Jazeera.

Creating obstacles

Pinera's Chile Vamos (Let's Go Chile) coalition currently does not have a majority in neither the Senate or Congress, meaning he has little chance of completely scrapping the law once he takes office on March 11.

But, even without the necessary majority, there are options open to Pinera, according to Augusto Quintana, a professor of constitutional law at the University of Chile.

"The most likely, is that he will establish some restrictions or additional requirements to the practice of abortion in public hospitals or, in private hospitals - whose institutional policies allow abortion," Quintana told Al Jazeera.

The Catholic Church in Chile has already successfully lobbied for an amendment to the original bill.

The amendment allows individual medical personnel to opt out of carrying out abortions under the principle of "conscientious objection".

Human Rights Watch (HRW) says it expects Pinera will attempt to push an anti-abortion rights agenda.

"Beyond regulatory amendments, we expect that the implementation of the law will find practical obstacles under the new government," Jose Miguel Vivanco, the executive director of HRW's Americas Division, told Al Jazeera.

"The law requires information and training of healthcare providers, and positive measures to ensure the access of women to the procedure, considering the large number of conscientious objectors that we will have in public and private hospitals, it is probable that current plans to put those measures in place will be suspended under the new government," he said.



President-elect Sebastian Pinera has promised to 'revise and perfect' Chile's abortion law [Anadolu]

'The state will always be pro-life'

Pinera's stance on abortion is somewhat ambiguous.

While he has said he does not consider taking steps to save a woman's life to be abortion, Pinera has also stated that under his leadership the state "will always be pro-life".

"[The state's role is to] always favour everyone's life, most especially the life of the unborn boy or girl, who is an absolutely defenceless creature and a totally innocent person," he said at a campaign event in Santiago in August of last year.

He's a businessman and he's doing business with women's dignity.

LETICIA ZENEVICH, PRO-ABORTION RIGHTS CAMPAIGNER

Pinera has also promised to "revise and perfect" Chile's abortion law, saying during his presidential campaign that the state would support "vulnerable" women through their pregnancies.

"There have been ambivalent comments from Pinera," said Leticia Zenevich, a human rights lawyer and coordinator with Women on Waves, an NGO that provides safe access to abortions for women living in countries where it is difficult or illegal to have the procedure, told Al Jazeera.

"He's a businessman and he's doing business with women's dignity".

A polarising issue, a changing society

The change in the law was considered a victory for outgoing President Michelle Bachelet, who made abortion reform a central part of her campaign.

Until then, Chile was one of only five countries to impose a complete ban on the practice, a measure that was put into place in the last year of Augusto Pinochet's dictatorship in 1989.

However abortion remains extremely contentious in the predominantly-Catholic country, with some groups seeking to repeal the law, while others saying it does not go far enough.

"It's a very good law and the social movements fought very hard to get it, but we also know that it's not enough," Zenevich told Al Jazeera.

"We've exchanged more than 15,000 emails with women in Chile this year and received more than 1,500 requests for abortion medicines, but only a few [of these women] will fit into the three circumstances," she said.

However, according to Fabiola Torres, the Latin America director of anti-abortion rights group Save the 1, the law is a "big step back" for women and children in Chile.

"As an organisation we want to contribute to making abortion unthinkable in Chile and the rest of the world," Torres told Al Jazeera.

"We believe in dignity and the right to life for all human beings, independent of how they came into existence. We want to show that these 'circumstances' are human beings who need protection and support."

Additionally, in a Facebook post on December 18, Save the 1 expressed hopes that the newly-elected Pinera would "take steps to repeal" the three circumstances law.

"We hope that Sebastian Pinera ... who claims to be pro-life will act accordingly and take steps to repeal the nefarious abortion under three circumstances law," the group said.

These 'circumstances' are human beings who need protection and support.

FABIOLA TORRES, ANTI-ABORTION RIGHTS CAMPAIGNER

The country's influential Catholic Church also staunchly opposes the new law, which it sees as a threat to family life.

"What's serious in Chile is that the family has been attacked with great force, not from outside, but from these laws that we ourselves have passed," the bishop of San Bernardo and member of Chile's episcopal council, Monsignor Juan Ignacio Gonzalez told Al Jazeera.

"Personally I would like Pinera to say definitively that he would change the law if he had a majority."



In socially-conservative Chile the law has proven extremely controversial [Rodrigo Garrido/Reuters]

'We will continue to fight'

The debate around abortion in Chile reflects a country that is becoming increasingly polarised.

Despite an uncertain future, rights groups say they remain committed to ensuring that Chilean women have access to safe, legal abortions.

"The law came from a very big social basis and the people that fought for the law are still there so whatever happens, people will continue to fight for access to abortion," Women on Waves' Zenevich said.

"Women will keep having abortions. Women in Chile are resourceful so, even if it is criminalised again, they will continue doing what they have always been doing," she said.

For Miles Chile Corporation's Dides, the next four years will be challenging for pro-abortion rights activists and those who support the law.

"We have mechanisms to defend the law," Dides said.

"They can't repeal a law that was supported by an absolute majority and which has very high public support," she added.

"But I have no doubt that there are going to be obstacles and that, for the next four years, we will need to be watching and alert every single day".

SOURCE: AL JAZEERA NEWS

