

AMERICAS

Thrust Into Chile's Abortion Fight, Woman Who Urged Change May See It

By PASCALE BONNEFOY AUG. 17, 2017

SANTIAGO, Chile — Karen Espíndola was 22 and 12 weeks pregnant when a doctor told her that her baby was doomed to die. It suffered from a malformation that prevents the normal development of the brain.

It would not survive long, if at all.

The fraught debate over Chile's abortion ban, which may be partly lifted on Friday, wasn't one of Ms. Espíndola's concerns that day in August 2008. Although she had just broken up with her boyfriend, who refused to acknowledge paternity, she had decided to wing it as a single mother. She had a stable job at an insurance company, her parents were supportive and she began dreaming about her future child, and what they would do together.

After learning about the condition, holoprosencephaly, or HPE, online, Ms. Espíndola asked her doctor for an abortion. It was a painful decision, but there was nothing science or God could do, she concluded. Why go through a treacherous nine months only to have the child suffer and die?

The doctor said that was not possible.

Ms. Espíndola, now a 31-year-old psychology student, knew abortion was illegal in Chile, but assumed it was allowed under dire circumstances. Ms. Espíndola imagined her son with the severe facial malformations typical of HPE, or giving a stillbirth. She had trouble sleeping and eating and lost 26 pounds. She stopped going to work and withdrew from the world.

“My body was preparing for life, but my mind was preparing for death,” she said.

On Friday, Chile's Constitutional Tribunal is set to rule whether to allow a law passed this month that permits abortion in limited cases, like Ms. Espíndola's, to take effect. Doing so would reinstate a right established in 1931 and abolished in 1989, as the 17-year dictatorship of Gen. Augusto Pinochet was drawing to a close.

Partial legalization of abortion in Chile would be a victory for President Michelle Bachelet, who has championed the legislation, and a watershed moment for reproductive rights in one of only four Latin American countries that forbid abortion under all circumstances.

Last week, Ms. Espíndola delivered a letter to the eight men and two women on the court. “Not only are women forced to be mothers, but we are forced to bear the death of a child! Is there anything more painful for a parent?” she wrote. “Today, you have the chance to prevent more stories like mine. It could be your daughters, nieces or granddaughters.”

The court is hearing arguments from some 135 interested parties and the two main factions at odds on the issue: the government and the right-wing opposition.

Any participant in an abortion in Chile faces up to 15 years in prison. From 2010 to 2014, there were 73 abortion-related convictions. Of these, 12 are men serving prison sentences. In recent years, courts have tended to order therapy for women instead of incarceration. Conservative legislators have called for stiffer penalties and introduced legislation to build monuments for the “innocent victims of abortion.”

Lawmakers have introduced more than a dozen bills to allow abortion in limited cases since 1991; all were shelved.

“There is a lot of conservatism in positions of power, and the Catholic Church still has a lot of power,” said Karla Rubilar, one of the few right-wing members of Congress who supports abortion in certain cases. “That has impeded any progress.”

On Aug. 2, in a highly contentious vote, Congress approved a bill allowing



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One of the most common methods is taking Misoprostol, a pill intended to treat ulcers. There is a flourishing black market for the drug, which may also be purchased online from organizations abroad, like the Dutch group Women on Waves or WOW. In 2009, the organization helped set up an abortion hotline in Chile to help women use Misoprostol correctly.

“It is all so cynical. Everyone knows you can buy it with a credit card, everyone knows there is a black market, and medical staff rarely report illegal abortions anymore,” said Claudia Dides, the director of Miles. “It is shameful that in 25 years, under democratic governments, we have been unable to restore a right women exercised even during dictatorship.”

Ms. Espíndola wrote letters to the media, the Health Ministry and Ms. Bachelet, then in her first term in office. She was promised specialized and personalized medical and psychological attention.

“If the state was forcing me to give birth to a baby that was going to die, then it had to take responsibility for its costs and consequences,” she said. “But none of that ever happened. One neurologist at the public hospital told me not to bother taking so much care of my son, because he would die soon anyway.”

As she dealt with her own struggle, her life as a reproductive rights activist began. She wrote newspaper columns, testified before congressional commissions

and public forums, and became a sounding board for other women suffering a similar plight.

Some hailed her courage while others accused her of wanting to kill her baby. Anti-abortion groups offered their help, hoping to make her the poster child of mothers who carried fetuses with severe health problems to term. One day she got a call from someone offering funeral services, before she had even given birth.

Her son, Osvaldo, was born on Feb. 13, 2009, with HPE, microcephaly, spastic quadriplegia, epilepsy, hypothyroidism, laryngomalacia, kidney failure and severe reflux. He was in and out of the hospital for two years. Osvaldo had difficulties sleeping, breathing and swallowing and had to be fed through a catheter. He vomited, had frequent convulsions and took 15 medicines a day.

He was chronically malnourished but doctors always pushed him down the waiting list for operations because they knew he would inevitably die. He cried constantly, probably from pain and discomfort, Ms. Espíndola said. She received no help from the government. Anti-abortion groups sent her a bit of money and some used baby clothes — for a girl.

“A feeling of impotence and rage took over me. Why was this cruelty forced on me? Why make my baby suffer? What for? That feeling started making me sick,” she recalls.

After multiple unpaid leaves of absence, Ms. Espíndola resigned from her job. Her friends organized bingo games and raised funds for Osvaldo's care. In the process, she became close to a high school friend, who became a pillar of support — and a father to Osvaldo. They married in 2013 and have 2-year-old twin boys.

The government stipend she requested to help her pay expenses arrived four days before her son died in August 2011, and was taken away immediately afterward. It wasn't enough to pay for the coffin.

After Osvaldo's death, Ms. Espíndola sank to new depths. She tried to commit suicide within weeks, while she was heavily medicated to treat panic attacks and depression. She tried twice more, and was admitted to psychiatric hospitals a total of five times.

Throughout the pregnancy, she often prayed, pleading that her baby's pain and suffering be transferred to her. "I would ask, why is God punishing me this way? What have I done to deserve this?" she said. That and the relentless attacks from religious fundamentalists destroyed her faith.

"My youth, my life, my hopes, everything was smashed to pieces," Ms. Espíndola said. "They called me a murderer but no one loved Osvaldo more than I did. I was forced to watch my baby die. It was nothing less than state-sponsored torture."

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