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Abortion

# Why did Chile take 28 years to decriminalise abortion?

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**On 21 August, the Chilean Constitutional Court approved the law of partial decriminalization of abortion, which had been totally banned for 28 years. How can we explain that this social conquest was so late and so laborious?**

Michelle Bachelet and Chilean feminists had to confront every kind of conservatism during two and a half years of parliamentary debates, often violent, so that, on 21 August, abortion was partially decriminalized in Chile. The Constitutional Court validated the law decriminalizing abortion, which had already been approved by Parliament at the beginning of August, after rejecting the appeals filed by the right. From now on, voluntary interruption of pregnancy (abortion) is allowed in cases of risk to the life of the pregnant woman, non-viability of the foetus and rape, after 28 years of total prohibition.

**"Some members of the right continue to say that in a case of rape, one should consult the rapist"**

It is one of the most emblematic measures of President Michelle Bachelet's (centre-left) term of office, which ends at the end of the year. Last week, she supported this "historic demand for the vast majority of women and young people." According to her, this law, which allows women to freely dispose of their bodies "without the threat of imprisonment or social stigma, is the minimum that Chile owes its women." But despite the support of 71 per cent of Chileans for this partial decriminalization, in a country where 120,000 clandestine abortions are carried out every year, this social conquest has met with much resistance.

"The most reactionary background of Chilean politics came to the fore in parliamentary debates on this law," says Franck Gaudichaud, a lecturer in Latin American studies at Grenoble-Alpes University, who coordinated the book *Chili actuel. Gouverner et résister dans une société néolibérale* (éditions. L'Harmattan). Sessions were interrupted by the intervention of evangelical groups, and some members of the right continue to say that in case of rape, the rapist should be consulted on whether or not he agrees with abortion because he is the father ".

During these debates, a senator of the UDI (the party of Pinochet) stated:

"There are people in Chile who are in prison because they have planned abortions, yes, and it is right that they are in prison!"

## The weight of Christian Democracy

If Chile was still one of the six countries in Latin America that totally prohibit abortion (there are about twenty in the world), it is because the legacy of General Pinochet's dictatorship continues to weigh heavily on Chilean politics. The law punishing abortion by prison sentences was in fact adopted in 1989, the last year of the dictatorship, by Admiral Merino, one of the authors of the coup of September 11, 1973, "in order to anchor even further conservative Catholicism in the institutions, "according to Franck Gaudichaud. And the transition to democracy in 1990 did not reverse it:

"Since the transition, there have been big feminist mobilizations in favour of the right to abortion, but also great resistance from the Catholic Church, the parliament, the right and the Christian Democracy (DC), explains Franck Gaudichaud. The DC has been involved in all government coalitions, from the Concertation (the centre-left coalition that ruled until 2010) to the current New Majority of Michelle Bachelet, of which it is an influential component. "

The conservative influence of the Catholic Church in Chilean society is still very strong, although the majority of Chileans are not practising Catholics. Thus in 2004 Chile was one of the last developed countries to recognize divorce. It took all the determination of Michelle Bachelet – a divorced woman, a pediatrician by training and an agnostic - and that of deputies like Camila Vallejo (Communist Party) to get to have this law, which remains limited, adopted.

## A still uncertain social conquest

This law is all the more limited because the Constitutional Court has validated conscientious objection by doctors, surgeons, and possibly even the entire medical team. The president of the College of Physicians, Izkia Siches, thus expressed concern that this extension of conscientious objection is an "obstruction" to the application of the law.

"There will be a battle for the delimitation of conscientious objection, says Franck Gaudichaud. Some say it could be institutional, and a clinic as such could refuse to carry out abortions. The clinic of the Catholic University, one of the most important ones in Santiago, has also indicated that it will do everything it can to prevent abortions being carried out on its premises ".

The future of the right to abortion in Chile is also uncertain because of the political situation. Indeed, the presidential election of 19 November could bring to power a new majority hostile to this right. "Everything indicates for the moment that Sebastian Piñera (a right-wing politician, president of Chile from 2010 to 2014) would win the election, so there reason to be worried," says the researcher. Another right-wing candidate, Antonio Kast, said his first step if elected would be to repeal the law. Autonomous feminists in Chile, who demand the right to free abortion, are keeping their guard up.

This article was published on August 22 by the French magazine *Les InRocks*.

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