

# URGENT ACTION

## SENATE TO VOTE ON WEAKENED DRAFT ABORTION LAW

**The Chilean Senate has begun discussing a proposed law aimed at decriminalizing abortion under specific circumstances, and is set to vote on the law next week. However, the draft law includes worrying amendments that would restrict possible access to legal abortion and sexual and reproductive health services for women and girls, putting their lives and well-being at risk.**

On 3 July, the Constitutional Commission of the Chilean Senate concluded their vote on the draft “Law Regulating the Decriminalization of the Voluntary Interruption of Pregnancy in Three Causes”, which calls for the decriminalization of and access to abortion in three circumstances: when the pregnancy poses a risk to the life of the pregnant woman or girl, when the foetus would be unable to survive outside the womb, or when the pregnancy is the result of rape. Before being sent to the Constitutional Commission for review, a series of worrying amendments were proposed to the bill.

The Commission rejected the amendment that would allow entire medical institutions to refuse to perform abortions under the principle of “conscientious objection”. However, they approved the right of any and all medical staff to refuse to perform an abortion at any time – a right typically reserved only for doctors and that is typically not permitted when the refusal to perform the abortion would put the woman’s life at risk. The Commission also approved an amendment that obligates health professionals to report to the Prosecutor’s Office if a woman or girl seeks abortion services in the case of rape. Although the bill also guarantees that the rape survivor cannot be forced to appear in court to testify regarding these rape charges, this clause violates the survivor’s right to privacy and may put her at risk.

On 11 July, the Finance Committee of the Senate also approved the bill with these worrying amendments, and it will now be voted on by both the Senate plenary and the Chamber of Deputies. If the bill is adopted as is, or if there are new restrictive amendments proposed by the Senate plenary, this will considerably weaken the scope of the bill and would severely restrict women and girls’ access to safe and legal abortion services. This may also deter women and girls from seeking safe abortion services in cases of rape, due to the onerous and intrusive reporting requirements and possible criminalization for being accused of having an abortion outside of the restrictions currently set out in the bill. The Senate apparently has until 17 July at noon Santiago time to reject these and any other amendments to the bill.

### Please write immediately in Spanish or your own language:

- Expressing your profound concern that the lives and well-being of women and girls in Chile would continue to be threatened if the proposed amendments to the draft “Law Regulating the Decriminalization of the Voluntary Interruption of Pregnancy in Three Causes” were to be approved;
- Urging legislators to reject the proposed amendments to the draft law or any others that further weaken the bill;
- Calling on legislators to adopt a Law that ensures women and girls have full and unrestricted access to abortion and other related sexual and reproductive health services in cases where pregnancy poses a risk to the life or the physical or mental health of a pregnant woman or girl, in cases where the foetus will be unable to survive outside the womb, and in cases where the pregnancy is the result of rape or incest.

### PLEASE SEND APPEALS BEFORE 24 AUGUST 2017:

President of the Senate  
Senador Andrés Zaldívar  
Congreso Nacional de Chile  
Avenida Pedro Montt s/n  
Valparaíso, Chile.  
Email: azaldivar@senado.cl

**Salutation: Dear Mr. Senator / Estimado Sr. Senador**

Senator of Antofagasta Region

Senador Pedro Araya  
Congreso Nacional de Chile  
Avenida Pedro Montt s/n  
Valparaíso, Chile.  
Email: paraya@senado.cl

**Salutation: Dear Mr. Senator / Estimado Sr. Senador**

Parliamentary Committee Representative,

Christian Democratic Party  
Senador Jorge Pizarro  
Congreso Nacional de Chile  
Avenida Pedro Montt s/n  
Valparaíso, Chile.  
Email: jpizarro@senado.cl

**Salutation: Dear Mr. Senator / Estimado Sr. Senador**

**Also send copies to diplomatic representatives accredited to your country. Please insert local diplomatic addresses below:**

Name Address 1 Address 2 Address 3 Fax Fax number Email Email address Salutation Salutation

Please check with your section office if sending appeals after the above date. This is the first update of UA 161/17. Further information: [www.amnesty.org/en/documents/amr22/6633/2017/en/](http://www.amnesty.org/en/documents/amr22/6633/2017/en/)

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### ADDITIONAL INFORMATION

In 1989, the Pinochet regime repealed article 119 of the Sanitary Code, prohibiting all type of abortion, which became a criminal offense with no exceptions. During President Michelle Bachelet's first term, a national legislation on Fertility Regulation was approved, which included emergency oral contraception, also known as the "morning after pill".

On 31 January 2015, during her second term, President Michelle Bachelet presented a bill to Congress decriminalizing the voluntary interruption of pregnancy under three circumstances: when the pregnancy poses a risk to the life of a pregnant woman or girl, when the foetus cannot survive outside the womb, and when the pregnancy is the result of rape. It also established that health professionals had the obligation to maintain confidentiality regarding any abortion of which they were informed, even if it were not related to one of these three circumstances.

The bill was approved by the Chamber of Deputies in March 2016, but with several changes to the initial draft, including the removal of the confidentiality guarantee. The version of the bill that was approved by the Chamber of Deputies would greatly limit women and girl's access to safe abortions, and could be a violation of international law governing conscientious objection in cases where the woman or girl's life is in danger. Another very worrying amendment that was adopted established additional requirements in order to "prove" rape in order for rape victims to access a legal abortion, possibly requiring them to file a formal report of the rape with the authorities before being given access to abortion services.

Name: Women and girls in Chile

Gender m/f: female

Further information on UA: 161/17 Index: AMR 22/6730/2017 Issue Date: 13 July 2017