



AMICUS CURIAE

PRESENTED BY THE WORLD ORGANISATION AGAINST TORTURE TO THE CONSTITUTIONAL COURT OF CHILE CONCERNING DRAFT LAW NO. 98985-11, CASE ROL 3729-17

Introduction

Our comments address the connection between torture and cruel, inhuman, and degrading treatment (CIDT) and the prohibition of abortion based on international human rights law. International human rights instruments and authoritative interpretations thereof by United Nations (UN) expert bodies and regional courts recognize that women and girls have a right to decide independently about reproduction including abortion. Where access to safe and legal abortion is restricted a number of human rights may be at risk first and foremost the right to privacy, liberty and the right to health. A blanket ban not allowing for abortion in case of rape or incest, when the woman's life or health are at risk, or the fetus is unviable, may give rise to situations that constitute torture or CIDT. We respectfully submit that international human rights standards, in particular the absolute prohibition of torture and CIDT, should inform the interpretation of Chile's abortion regulation.

Chile has ratified several international treaties, including the Convention on the Elimination of All Forms of Discrimination against Women, the International Covenant on Civil and Political Rights (ICCPR), the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, and the American Convention on Human Rights, all of which protect against torture and (CIDT) and all of which are directly relevant for the interpretation or enactment of domestic legislation.

Interest of the Intervener

The World Organization against Torture, established 1986 in Geneva, is the world's largest Network of NGOs fighting against torture, summary executions, enforced disappearances and all other cruel inhuman or degrading treatment or punishment. It operates the SOS-Torture network composed of more than 260 affiliated organisations and maintains working relations with a large number of local and regional NGOs. It ensures the daily dissemination of urgent interventions across the world in order to prevent serious human rights violations, to protect individuals and to fight against impunity, and provides victims of torture with medical, social and/or legal assistance. Furthermore, the OMCT frequently represents torture victims seeking redress before national and international courts and has filed numerous *amicus* briefs in international and domestic courts.

As the main network of organizations fighting against torture, OMCT has documented violence against women and girls around the globe since 1996 and has integrated a gender perspective in its anti-torture work. In particular, the OMCT provides legal and material support to women and girls who are victims of torture or threatened with torture and other forms of ill-treatment taking into account the specific nature of the violence used against them and the availability of remedies. The OMCT further ensures that human rights violations that are specific to women and girls are taken into consideration by relevant UN bodies and are granted greater attention.

Absolute prohibition of abortion inflicts severe pain and suffering amounting to torture and CIDT

The right to be free from torture and CIDT is protected by international customary law and several international and regional human rights treaties, including Articles 1 and 16 of the Convention against Torture,¹ Article 7 of the International Covenant on Civil and Political Rights (ICCPR)² and Article 5 of the American Convention on Human Rights.³ Torture and CIDT are understood as inflicting severe physical or mental pain or suffering by the government or at the instigation of or with the consent or acquiescence of a public official or other person acting in an official capacity.⁴

Restrictions on access to abortion can have a negative impact on women and girl's physical health and life causing severe pain and suffering that can amount to torture or CIDT: An ectopic pregnancy where the embryo implants outside the uterus can cause life-threatening ruptures and require a medical abortion;⁵ diabetes or a heart disease can cause pregnancy-related deaths;⁶ some chronic conditions can turn into life-threatening ones under a pregnancy;⁷ and cardiovascular disorders such as pulmonary hypertension and vessel abnormalities can increase the risk of morbidity and mortality.⁸

In addition, forcing a woman to carry an unwanted pregnancy to term can cause severe mental suffering. In case of rape, for instance, the woman concerned is constantly reminded of the violation committed against her causing serious traumatic stress and long-lasting psychological problems such as depression and anxiety. Severe psychological consequences can also arise if a woman is forced to continue a pregnancy whose fatal outcome is known in advance.⁹

As shown below, UN human rights treaty monitoring bodies, the UN Human Rights Council Special Procedures as well as regional bodies have consistently found that the prohibition of torture and CIDT requires states to lawfully permit access to abortion services in case of rape or incest, when the woman's life or health are at risk or the fetus is unviable.

¹ Article 1 reads as follows: "Each State Party shall undertake to prevent in any territory under its jurisdiction other acts of cruel, inhuman or degrading treatment or punishment which do not amount to torture as defined in article I, when such acts are committed by or at the instigation of or with the consent or acquiescence of a public official or other person acting in an official capacity. In particular, the obligations contained in articles 10, 11, 12 and 13 shall apply with the substitution for references to torture of references to other forms of cruel, inhuman or degrading treatment or punishment. Article 16 reads as follows: "The provisions of this Convention are without prejudice to the provisions of any other international instrument or national law which prohibits cruel, inhuman or degrading treatment or punishment or which relates to extradition or expulsion."

² Article 7: "No one shall be subjected to torture or to cruel, inhuman or degrading treatment or punishment. In particular, no one shall be subjected without his free consent to medical or scientific experimentation".

³ Article 5, paragraph 2: "No one shall be subjected to torture or to cruel, inhuman, or degrading punishment or treatment. All persons deprived of their liberty shall be treated with respect for the inherent dignity of the human person."

⁴ Torture additionally requires the intentional infliction of severe pain and suffering with a specific purpose including punishment, discrimination or extracting a confession

⁵ <http://www.obgyn.net/tags/ectopic-pregnancy>

⁶ International Diabetes Federation, 'Global Guidelines on Pregnancy and Diabetes', 2009, p. 5.

⁷ P.G. Pieper and E.S. Hoendermis, 'Pregnancy in women with pulmonary hypertension', 19(12) *Neth Heart J.* 504–508; M.A. Nickens, R.C. Long, S.A. Ceraci, 'Cardiovascular Disease in Pregnancy' 106(11) *South Med. J.* 624–630.

⁸ *Ibid.*

⁹ See e.g. CAT, Concluding Observations on Paraguay, UN Doc. CAT/C/PRY/CO/4–6, 14 December 2011, para. 22; CAT, Concluding Observations on Nicaragua, UN Doc. CAT/C/NIC/CO/1, 10 June 2009, para. 16; Amnesty International, *She is not a criminal: the impact of Ireland's abortion law*, 2015, p. 64.

The UN Committee Against Torture

The Committee Against Torture (CAT), which monitors state compliance with the Convention against Torture, has repeatedly expressed concerns about restrictions and an absolute ban on abortion.¹⁰ In particular, it has found that the criminalization of abortion in all circumstances, including when the pregnancy endangers the life or health of the woman, when it is the result of rape or incest and in cases of fetal impairment, violates the prohibition of torture and CIDT.¹¹

In addition, Article 2 of the Convention requires States to take effective measures, including legislative ones, to prevent acts of torture. The CAT thus regularly recommended countries that have an absolute ban on abortion to review their legislation and allow legal exceptions to the prohibitions of abortion in the above-mentioned circumstances.¹²

The UN Human Rights Committee

The Human Rights Committee (HRC), which monitors state compliance with the ICCPR, has acknowledged the severe suffering in denying access to abortion in two landmark decisions. In *Llantoy Huaman v. Peru*, a 17-year old girl became pregnant with an anencephalic fetus unviable after birth.¹³ During her pregnancy, a psychiatrist found that restricting access to abortion “has caused serious harm to the mother, since she has unnecessarily been made to carry to term a pregnancy whose fatal outcome was known in advance, and this has substantially contributed to triggering the symptoms of depression, with its severe impact on the development of an adolescent and the patient’s future mental health”.¹⁴ The HRC found Article 7 of the ICCPR (prohibition against torture) to be violated by reasoning that the situation could have been foreseen, since a hospital doctor had diagnosed anencephaly in the fetus, and that the denial of a therapeutic abortion was the cause of the suffering she experienced.¹⁵

In the case of *LMR v. Argentina*, the HRC also found an Article 7 violation since the State Party denied the termination of pregnancy which caused her physical and mental suffering that was made especially serious by the victim's status as a young girl with a disability.¹⁶

The HRC has further stated in its General Comment No. 28 that denial of access to safe abortion to women, who have become pregnant as a result of rape, is a violation of article 7 of the Convention.¹⁷ Thus in its concluding observations it repeatedly urged countries to provide access to abortion services. In its 1999,

¹⁰ Concluding Observations on the Philippines, UN Doc. CAT/C/PHL/CO/3, 2 June 2016, para. 39; Concluding Observations on Sierra Leone, UN Doc. CAT/C/SLE/CO/1, 20 June 2014, para. 17; Concluding Observations on Kenya, UN Doc. CAT/C/KEN/CO/2, 19 June 2013, para. 28; Concluding Observations on Paraguay, UN Doc. CAT/C/PRY/CO/4-6, 14 December 2011, para. 22; Concluding Observations on Nicaragua, UN Doc. CAT/C/NIC/CO/1, 10 June 2009, para. 16

¹¹ See e.g. Concluding Observations on Peru, UN Doc. CAT/C/PER/CO/5–6, 21 January 2013, para. 15; Concluding Observations on Paraguay, UN Doc. CAT/C/PRY/CO/4–6, 14 December 2011, para. 22; See Concluding Observations on Nicaragua, UN Doc. CAT/C/NIC/CO/1, 10 Jun e2009, para. 16.

¹² See Concluding Observations on Philippines, UN Doc. CAT/C/PHL/CO/3, 2 June 2016, para. 39; Concluding Observations on Sierra Leone, UN Doc. CAT/C/SLE/CO/1, 20 June 2014, para. 17; Concluding Observations on Kenya, UN Doc. CAT/C/KEN/CO/2, 19 June 2013, para. 28; Concluding Observations on Paraguay, UN Doc. CAT/C/PRY/CO/4-6, 14 December 2011, para. 22; Concluding Observations on Nicaragua, UN Doc. CAT/C/NIC/CO/1, 10 June 2009, para. 16; Concluding Observations on Peru, UN Doc. CAT/C/PER/CO/5–6, 21 January 2013, para. 15.

¹³ *Llantoy Huaman v. Peru*, Communication No. 1153/2003, UN Doc. CCPR/C/85/D/1153/2003, 22 November 2005.

¹⁴ *Ibid.* para. 2.5.

¹⁵ *Ibid.* para. 6.3.

¹⁶ *LMR v. Argentina*, Communication no. 1608/2007, UN Doc. CCPR/C/101/D/1608/2007, 28 April 2011, para. 9.2.

¹⁷ General Comment No. 28, Article 3 (The equality of rights between men and women), UN Doc. HRI/GEN/Rev.9 (Vol. 1), 29 March 2000, para. 11.

2007, and 2014 review of Chile's state report, the HRC has found that the absolute criminalization of abortion is contrary to obligations under the ICCPR and has thus urged Chile to amend its legislation.¹⁸

The UN Committee on the Elimination of Discrimination against Women

The Committee on the Elimination of Discrimination against Women (CEDAW) has repeatedly asked states in its concluding observations to allow abortion in cases of rape or incest, when the mother's life or health is endangered or when the fetus is unviable.¹⁹

Furthermore, in its 2017 General Recommendation No. 35 on gender-based violence against women, CEDAW stated that

violations of women's sexual and reproductive health and rights, such as [...] criminalisation of abortion, denial or delay of safe abortion and post-abortion care, forced continuation of pregnancy, abuse and mistreatment of women and girls seeking sexual and reproductive health information, goods and services, are forms of gender-based violence that, depending on the circumstances, may amount to torture or cruel, inhuman or degrading treatment.²⁰

Organization of American States

The Committee of Experts of the Follow-up Mechanism to the Inter-American Convention on Prevention, Punishment and Eradication of Violence against Women underlined in a Declaration that the absolute prohibition of abortion "perpetuate the exercise of violence against women, girls and adolescents [...] and violate the prohibition of torture and mistreatment."²¹

The Inter-American Court of Human Rights (IACtHR) dealt with the case of *Matter of B. (El Salvador)* in 2013 that involved a pregnant 20-year old woman suffering from several medical conditions including lupus. Her fetus was anencephalic and unviable after birth. Doctors determined that continuing the pregnancy would risk irreparable damage to her health, such as major obstetric hemorrhage, worsening of kidney failure or death. The hospital did not want to perform an abortion as it would risk criminal penalties. Given the gravity and urgency of the case, the Court issued provisional measures ordering the State to

adopt and guarantee, urgently, all the necessary and effective measures so that the medical team [...] can take [...] the medical measures they consider opportune and desirable to ensure due protection of the rights established in Article 4 and 5 of the American Convention and, in this way avoid any damage that could be irreparable to the rights to the life, personal integrity and health of B.²²

The IACtHR's reference to Article 5 clearly shows that the Court considered forcing the woman to continue her pregnancy to be contrary to the prohibition of torture and CIDT.

Similarly, the Inter-American Commission of Human Rights (IACHR) requested that Paraguay adopted provisional measures in a case that involved a 10-year old girl who became pregnant after having been raped.

¹⁸ Concluding Observation on Chile, UN Doc. CCPR/C/CHL/CO/6, 13 August 2014, para. 15; UN Doc. CCPR/C/CHL/CO/5, 18 May 2007, para. 8; Concluding Observations on Chile, UN Doc. CCPR/C/79/Add. 104 (1999), 30 March 1999, para. 15.

¹⁹ See e.g. Concluding Observations on Afghanistan, UN Doc. CEDAW/C/AFG/CO/1-2, 30 July 2013, paras. 36 and 37; Concluding Observations on Andorra, UN Doc. CEDAW/C/AND/CO/2-3, 28 October 2013, para. 32; Concluding Observations on Angola, UN Doc. CEDAW/C/AGO/CO/6, 27 March 2013, para. 32; Concluding Observations on Argentina, UN Doc. CEDAW/C/ARG/CO/7, 25 November 2016, para. 33.

²⁰ Committee on the Elimination of Discrimination against Women, General recommendation No. 35 on gender-based violence against women, updating general recommendation Ni. 19, UN Doc. CEDAW/C/GC/35, 14 July 2017, para. 18.

²¹ Follow-up Mechanism to the Convention of Belém Do Pará (Mesecvi) Committee of Experts (Cevi), "Declaration on Violence against Women, Girls and Adolescents and their Sexual and Reproductive Rights", OEA/Ser.L/II.7.10, 19 September 2014, available at: <http://www.oas.org/es/mesecvi/docs/CEVI11-Declaration-EN.pdf>.

²² *Matter of B. (El Salvador)*, Resolution of the IACtHR (provisional measures), 29 May 2013, para. 17.

The Commission found the girls right to life and personal integrity violated if the State did not provide access to the medical treatment recommended by the specialists who suggested terminating the pregnancy.²³

Moreover, the IACHR has repeatedly expressed concern about reports it received on the criminalization of abortion including in cases in which the woman's life is at risk and the pregnancy results from rape.²⁴ The IACHR's 2016 annual report explicitly referred to Chile by acknowledging the state's efforts to introduce a law that decriminalizes abortion on three grounds: risk to life of the mother, unviability of the fetus and pregnancy resulting from rape. It further urged Chile and other countries in the region to amend their laws to guarantee women's rights to life, integrity, health and non-discrimination.²⁵

The UN Special Rapporteur on torture and other cruel, inhuman or degrading treatment or punishment

The UN Special Rapporteur on torture and other cruel, inhuman or degrading treatment or punishment has identified that "highly restrictive abortion laws that prohibit abortions even in cases of incest, rape or fetal impairment or to safeguard the life or health of the women violate women's right to be free from torture and ill-treatment." According to the Special Rapporteur, there is an affirmative obligation for States to reform restrictive legislation and to decriminalize abortion at least in cases of rape, incest and severe fatal fetal impairment and when the life or physical or mental health of mothers is at risk.²⁶

The European Court of Human Rights

The European Court of Human Rights (ECtHR), although its jurisprudence is not binding for Chile, has issued indicatory and authoritative judgments on abortion. In the case *R.R. v. Poland*,²⁷ the ECtHR that the lack of access to prenatal genetic tests resulted in the inability for the applicant to have an abortion in violation of Article 3 (prohibition of torture and CIDT). The ECtHR noted that the applicant was in a situation of great vulnerability since she was distressed by information that the fetus was possibly affected with some malformation. As a result of the procrastination of the health professionals she had to endure weeks of painful uncertainty concerning the health of the fetus, her own and her family's future and the prospect of raising a child suffering from an incurable ailment. As a result, she "suffered acute anguish through having to think about how she and her family would be able to ensure the child's welfare, happiness and appropriate long-term medical care."²⁸ At the same time, her concerns were not properly addressed by the health professionals. The ECtHR thus concluded that the applicant's suffering reached the minimum threshold of severity under Article 3 of the Convention.²⁹

Absolute prohibition of abortion results in unsafe and illegal abortion and restricts post abortion care amounting to torture and CIDT

There is a clear link between legal restriction on abortion and the safety of abortion procedures.³⁰ Restrictions on abortion lead to many women and girls undergoing illegal unsafe abortions that pose a threat to their health and lives. At the same time, a ban on abortion does not have an influence on the numbers of abortions performed in a country. In fact, Chile, one of the two countries in Latin America with a complete ban, has one of the highest rates of abortion in Latin America.³¹

²³ *Mainumby (Paraguay)*, Resolution of the IACHR (precautionary measures), MC 178/15.

²⁴ IACHR, Annual Report 2016, pp. 506–507.

²⁵ *Ibid.* p. 508.

²⁶ Human Rights Council, Report of the Special Rapporteur on torture and other cruel and inhuman or degrading treatment or punishment, UN Doc. A/HRC/31/57, 5 January 2015, para. 44.

²⁷ *R.R. v. Poland* (Appl. No. 27617/04), Judgment (Fourth Section), 26 May 2011.

²⁸ *Ibid.* para. 159.

²⁹ *Ibid.* para. 161.

³⁰ See e.g. Grimes DA, Benson J, Singh S, Romero M, Ganatra B, Okonofua FE, et al., 'Unsafe abortion: the preventable pandemic', 368 *Lancet* 2006, pp. 1908–1919. See also Concluding Observations on Peru, UN Doc. CAT/C/PER/CO/5–6, 21 January 2013, para. 15

³¹ Center for Reproductive Rights, *Inter-American Commission Holds Hearing On Chile's Abortion Law Reform*, 24 May 2017, available at: <https://www.reproductiverights.org/press-room/inter-american-commission-holds-hearing-on-chile%E2%80%99s-abortion-law-reform>.

Unsafe abortions are typically performed by the pregnant woman or girl or by individuals lacking the necessary skills or in an unsafe environment not meeting minimum medical standards. Common mechanisms include taking of acid or quinine, placing an object (e.g. knitting needle or coat hanger) into the uterus through the cervix or enemas. Such procedures can lead to septic shock or hemorrhage causing death, infertility, or chronic pelvic pain.³² The World Health Organisation estimates that globally 47000 women die and an additional 5 million women suffer from temporary or permanent disability. Unsafe abortion accounts for approximately 13% of maternal deaths.³³

Many women who are confronted with an unwanted pregnancy undergo an unsafe and illegal abortion that may give rise to severe pain and suffering for which the government can be held accountable if there is a complete ban on abortion. This is supported by findings of international human rights bodies. The Special Rapporteur on torture, cruel, inhuman and degrading treatment and punishment found that the restrictive access to voluntary abortion results in the unnecessary deaths of women and girls.³⁴ The Committee against Torture stated that the criminalization of abortion in all circumstances results in a large number of women and girls seeking clandestine and unsafe abortion accounting for a high number of maternal deaths in violation of the absolute prohibition of torture and CIDT.³⁵ The HRC raised concerns about women undergoing illegal abortions that pose a threat to their lives.³⁶ CEDAW repeatedly emphasized that a total ban leads to clandestine abortions resulting in high maternal mortality and morbidity.³⁷

Another severe problem is the lack of access to post-abortion care. In countries where abortion is criminalized, post-abortion care is frequently denied which can amount to torture and CIDT. In this context, the CAT has found that “the denial of medical care to women who have decided to have an abortion, which could seriously jeopardize their physical and mental health [...] could constitute cruel and inhuman treatment.”³⁸ The CAT has moreover emphasized that states have to ensure immediate and unconditional treatment of persons seeking emergency medical care after an abortion.³⁹ CEDAW has also frequently recommended that women be provided with free access to quality post-abortion care.⁴⁰

In the context of illegal unsafe abortions and lack of access to post-abortion care, it is important to emphasize that under Article 2 of the Convention against Torture the government has a due diligence obligation to prevent, investigate, prosecute and punish non-State officials or private actors who commit or have committed acts of torture or CIDT.⁴¹ In other words a state is obliged to act – be it through legislative, judicial, or administrative means – to prevent women and girls from getting an unsafe abortion and to punish those who deny post-abortion care even if the severe suffering and health risk is caused by a private actor such as a doctor or hospital. This means first and foremost that states need to legalize abortion under certain circumstances and provide protocols for post-abortion care.⁴²

³² See e.g. Grimes DA, Benson J, Singh S, Romero M, Ganatra B, Okonofua FE, et al., ‘Unsafe abortion: the preventable pandemic’, 368 *Lancet* 2006, pp. 1908–1919.

³³ World Health Organization, *Unsafe Abortion. Global and regional estimates of the incidence of unsafe abortion and associated mortality in 2008*, 2011, p.1, available at: http://apps.who.int/iris/bitstream/10665/44529/1/9789241501118_eng.pdf.

³⁴ Human Rights Council, Report of the Special Rapporteur on torture and other cruel and inhuman or degrading treatment or punishment, UN Doc. A/HRC/31/57, 5 January 2015, para. 43.

³⁵ See e.g. Concluding Observations on Sierra Leone, UN Doc. CAT/C/SLE/CO/1, 20 June 2014, para. 17.

³⁶ Concluding Observations of Human Rights Committee: Chile, UN Doc. CCPR/C/79/Add. 104 (1999), para. 15.

³⁷ See e.g. Concluding Observations on Peru, UN Doc. A/50/38, 31 May 1995, para. 443; Concluding Observations on Albania, UN Doc. A/58/38, 20 March 2003, para. 151.

³⁸ Concluding Observations on Paraguay, UN Doc. CAT/C/PRY/CO/4–6, 14 December 2011, para. 22.

³⁹ *Ibid.*

⁴⁰ Concluding Observations on Argentina, UN Doc. CEDAW/C/ARG/CO/7, 25 November 2016, para. 33;

⁴¹ CAT, General Comment No. 2, Implementation of Article 2 by States parties, UN Doc. CAT/C/GC/2, 24 January 2008, para. 18.

⁴² See e.g. CEDAW, Concluding Observations on Bahrain, UN Doc. CEDAW/C/BHR/CO/3, 10 March 2014, para. 42.

Comparative standards support the right to abortion where a situation gives rise to torture or CIDT

In the last 20 years 35 countries have amended their laws to expand access to safe and legal abortion, which has improved the lives of women and girls and reduced the rates of maternal mortality and morbidity. Countries with restrictive abortion laws usually still allow terminating a pregnancy to save the pregnant woman's life or health, where the pregnancy is the result of rape or incest, or when the fetus is unviable i.e. in situations that would give rise to torture or CIDT if an abortion were not allowed. Globally, only a minority of countries prohibit abortion under all circumstances.⁴³

In most Latin American countries access to abortion is restricted. However, Chile and Suriname are the only countries with an absolute ban. All other countries allow abortion in cases that include rape, fetal malformations and/or when the mother's life or health is at risk.⁴⁴ It can thus be concluded that there is a regional consensus that the prohibition of torture and CIDT requires States to grant access to abortion in the mentioned circumstances.

Conclusion

Courts, tribunals and international human rights bodies around the world found an absolute ban on abortion in situations of rape, incest, fetal impairment and if the woman's health or life is at risk to amount to torture or CIDT because it can inflict severe mental and physical suffering. Chile stands apart with its criminalization of abortion in all circumstances and violates its human rights obligations most notably under the Convention against Torture and the ICCPR.

⁴³ Center for Reproductive Rights, *Inter-American Commission Holds Hearing On Chile's Abortion Law Reform*, 24 May 2017, available at: <https://www.reproductiverights.org/press-room/inter-american-commission-holds-hearing-on-chile%E2%80%99s-abortion-law-reform>.

⁴⁴ Columbia: Constitutional Court Decision decriminalized abortion in certain circumstances: Decision C-355 of 2006 of the Constitutional Court of Colombia of May 10, 2006; Peru: Código Penal (1991), Ley de 3 Abril 1991, Capítulo II, Artículos 114 – 120; Bolivia: Código Penal (1972), Título VIII, Capítulo II, Artículos 263 – 269; Argentina: Código Penal de la Nación Argentina (1921), Ley 11.179 of 1984, Libro Segundo, Título I, Capítulo I, Artículos 85 - 88; Ecuador: Código Penal (1971), Título VI, Capítulo I, Artículos 441 – 447; Venezuela: Código penal, Gaceta Oficial de la República Bolivariana de Venezuela N° 5.768 del 13 de abril de 2005, Capítulo IV, Artículos 430-434; Brazil: Código Penal (1940), Decreto-Lei No 2.848, Parte Especial, Título I, Capítulo I, Artigos 124- 128 and ADPF 54, Supremo Tribunal Federal, Relator: Ministro Marco Aurelio, Tribunal Pleno (Abr. 12, 2012); Paragua: Codigo Penal, Ley N°. 1.160/97, Artículos 349-353.