



# FROM CLANDESTINITY TO CONGRESS

## **An Analysis of the Voluntary Termination of Pregnancy Legislative Debate in Argentina**

In 2018, after decades of feminist struggle, Argentina underwent an unprecedented and historic legislative debate for the right to abortion. During three months, 845 speakers both for and against abortion legalization presented their knowledge and opinions at the committees' plenary sessions and at the Chamber of Deputies and Senate sessions. Despite the Senate's rejection of the bill, there was a general sensation of social decriminalization driven by a mass mobilization which has crossed the country borders into many neighboring countries. This document systematizes the arguments presented by experts, to contribute to the social and legislative debates from the whole region, and help the "green wave" keep on growing until abortion is legal throughout Latin America.



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ARGENTINA



**Suggested quote: REDAAS. (2019). From Clandestinity to Congress. An Analysis of the debate on the legalization of abortion in Argentina.**

This material has been published by REDAAS – Red de Acceso al Aborto Seguro Argentina (Access to Safe Abortion Network), with the financial support of CLACAI – Consorcio Latinoamericano contra el Aborto Inseguro (Latin American Consortium Against Unsafe Abortion) and SAAF – Safe Abortion Action Fund.

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The content of this publication is based on the monitoring carried out by REDAAS during the legislative debate on the legalization of abortion which took place in 2018 in Argentina. This monitoring was performed thanks to the participation of **Lucía Mora Bruniard, Clara Campanelli, Cecilia Degrossi, Kathrin Ecke, María Silvina Lucero, Clara Rivero, Eugenia Saavedra Morgado, Lucía Vitale and Catalina Zaza.**

The monitoring reports are available at:

<http://www.redaas.org.ar/nuestro-trabajo-documentos>

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*The speakers' quotes were taken from the National Congress committees' plenary sessions which took place in 2018. Those from the Chamber of Deputies were verified against the videos of the sessions. Those from the Senate were verified against their verbatim records.*



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## INTRODUCTION: SOCIAL AND CULTURAL CONTEXT IN 2018


The “green wave” was not created in one day. The historic process that Argentina underwent in 2018 with the legislative debate for the right to abortion was the result of decades of feminist struggle. Thirty years of the National Women’s Meeting and thirteen years of the National Campaign for the Right to Legal, Safe and Free Abortion in Argentina were essential for the Bill to reach Congress.

During the last years, feminist groups, of which the Ni Una Menos Campaign [Not One (Woman) Less] is its most recent representative, made their voice heard in communication media as well as at workplaces, schools, universities, and the streets. What’s more, 2018 began with feminist activists presenting their arguments in one of the most popular daily TV shows. In this context, the green handkerchief (the symbol of the Campaign and of the pro-choice movement), which, until then, had been worn by only a small group of people, began to appear everywhere.

By mid-February, the Campaign organized the first of many “Pañuelazos” (demonstrations with green handkerchiefs) that would take place at the doors of Congress and announced that, for the seventh time, they would introduce an abortion legalization bill. Never before had the bill gathered enough momentum to be discussed on the floor, but this time, with the growing pressure exerted by the feminist movement, it could not be ignored. 71 deputies signed it. Thus abortion, which had never been part of the political campaigns or platforms, became the focus of the Legislative Branch activities.

On February 23rd, Argentina's President Mauricio Macri informed of his decision to enable the Parliamentary debate. Later on, during his speech at the opening of regular sessions of the National Congress he said “as I have often mentioned, I am pro-life,” and at the same time asked for a mature and respectful debate. The Bill would be first discussed at a Chamber of Deputies committees’ plenary session (composed by the General Legislation, Health, Family and Criminal Legislation committees). A group of national and international experts would provide their points of view so as to help legislators decide on how to vote. 701 speakers participated in 15 sessions over a period of two months, resulting in a total of over 130 hours of debate.

Every Tuesday and Thursday, on the days stipulated for the sessions, the street in front of Congress turned green with the Campaign motto: “Sex education to decide. Contraceptives to prevent abortion. Legal abortion to not die.” Long lines could be seen before the stands that sold the Campaign’s green handkerchiefs at every demonstration and march, and the demand exceeded the production capacity of the manufacturers. Those who had one began to wear it not only at demonstrations and marches, but also started to use them tied to their backpacks and purses in all their everyday activities. The green handkerchief came out of the closet and gave origin to the light blue handkerchief of the anti-choice movement, one with the “Save the two lives” motto printed on it.



Slowly, the gap between both colors became more obvious. Every demonstration had its counter demonstration, and if “green” politicians gathered for a picture, so did the “light blue” ones. On the day of the first voting, the Congressional Plaza was divided and fenced to separate the pro-choice from the anti-choice groups. That night the “green wave” won, both in the floor and in the streets. The Bill received a preliminary approval and was sent to the Senate.

The same debate methodology, but at a smaller scale, was established. One month, 7 meetings and 144 speakers. The political alliances that had been achieved and celebrated at the Chamber of Deputies were almost non-existent at the Senate. Those against the Bill dominated the debate, and their presence grew in number. Some municipalities tried to rename themselves “pro-life” and many health professionals said “do not count on me to perform an abortion.” Finally, without consensus or support, the Senate turned a deaf ear to the arguments and decided to ignore the demand of thousands of people who, under the pouring rain, pronounced themselves in favor of the Bill.

Nevertheless, the general 2018 context was ideal for the Bill to be discussed: political alliances that went beyond party colors were made, the feminist movement grew and the “green wave” emerged. The great triumph of the debate was the discussion of a subject that was previously addressed only by a small group of activists or health professionals. Everybody was talking about abortion and it crossed the borders into neighboring countries. It will be impossible to avoid discussing the subject in the future.

This document collects an analysis of the arguments, both for and against the Bill, presented before the committees’ plenary session and in the Chamber of Deputies and the Senate sessions. The arguments have been divided into three groups - legal, socio-cultural, and public health - and the main topics identified in each group during the debate are developed here. The arguments presented before the Argentine Congress are the result of years of research and advocacy that transcend the boundaries of this country. We hope this summary contributes to future region-wide debates on abortion, whether in society or at parliamentary levels. And that the green wave keeps on growing until abortion is legal throughout Latin America.



## LEGAL ARGUMENTS

Legal arguments were especially relevant in the debate on the legislative reform of abortion regulation in Argentina. Local and foreign speakers provided different concepts and interpretations of the regulations in force. Also, many members of the Chamber of Deputies and of the Senate included legal arguments to justify their vote. Many of these arguments had been discussed at the plenary sessions of both Houses. This section reviews the main legal arguments provided during the legislative debate.

### Constitutionality of the Regulatory Reform

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Arguments against the Bill perceive that the right to privacy and to intimacy should not be invoked for abortion decriminalization and legalization, as there would be harm to a third party, according to Article 19 of the Argentine Constitution. Members of the Chamber of Deputies, the fetus cannot be considered a third party [...] As the fetus is not an autonomous third party capable of living outside the woman's body, the pregnant woman's rights to autonomy, dignity and equality should take precedence [...] There is nothing in Article 19 that may act as a constitutional barrier to the decriminalization and legalization of abortion.

”


**VIOLETA CÁNAVES**, Chamber of Deputies Committees' Plenary Session Debate, April 24th.

“

The Argentine normative legal system enshrines and protects every human person's right to life and to live [...] Thus, I believe that any Bill that proposes free abortion simply on the demand of the pregnant woman is unconstitutional and unconventional.

”

**MARIA ANGELICA GELLI**, Chamber of Deputies Committees' Plenary Session Debate, April 10th.



During the debate, special reference was made to the compatibility of the proposed reform with the National Constitution and the international treaties incorporated to it since 1994.<sup>1</sup>

Speakers in favor of abortion legalization maintained that going from an abortion regulation model based exclusively on legal indications to a hybrid model of abortion decriminalization which considers both a time-limit system as well as legal indications is consistent with the Argentine Constitution. They also emphasized that abortion criminalization violates women's rights<sup>2</sup> set forth in the constitutional rules, such as the right to health, to freedom, to autonomy, to privacy, to safety, to be free from cruel and inhuman treatment, among others.

Speakers against legalization maintained that the Bill violates constitutional rules and that, therefore, it could not be approved by the Argentine National Congress. Based on the false assumption that the embryo or fetus is a legal person, just like the pregnant woman, they emphasized that it should be granted all the rights set forth in the rules. They specifically mentioned Section 19 and Section 75, subsection 23 of the Argentine Constitution as insurmountable obstacles that prevented abortion legalization in the first 14 weeks of pregnancy. There were even those who mentioned that the constitutional reform of 1994 had caused Article 86 of the Argentine Criminal Code (which currently takes into consideration the legal indications regime in force) to be unconstitutional, even under the indications included in the Criminal Code since 1921.

In answer to this, speakers in favor of the Bill pointed out that Section 75 subsection 23 of the Argentine Constitution establishes a social security regime for pregnant women but, as stated by the 1994 Constitutional Convention in charge of the constitutional reform, this does not lead to the prohibition of abortion. As regards Section 19 on the principle of autonomy and the limitation to harm "third parties", they maintained that this refers to an autonomous "third party" comparable, in this case, to the pregnant woman. It was also emphasized that this Section does not establish that our actions cannot affect "third parties" nor that all actions that affect a "third party" are prohibited and criminalized such as, for instance, the right to strike or the right to political criticism.

Finally, it was also mentioned that in 2012 the Argentine Supreme Court of Justice in the matter of "F., A. L."<sup>3</sup> had already assessed the constitutionality and conventionality of Article 86 of the Criminal Code and concluded that the abortion regulation was consistent with our legal system. Likewise, it was pointed out that a comprehensive analysis of the law in force in Argentina indicates that the Argentine law does not equate an embryo or fetus with a born child. For instance, civil law considers birth as the turning point for differential protection between an embryo and a born child. In the case of criminal law, abortion and homicide are two different criminal offenses.

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1. The 1994 Constitutional Reform established that eleven international human rights instruments have constitutional hierarchy. These instruments are listed in Section 75 subsection 22 of the Argentine Constitution. Also, that same Section established a mechanism for future instruments to attain this hierarchy (therefore three other international human rights instruments were subsequently added) and stipulates that international treaties have a higher hierarchy than Argentine laws.

2. The Bill presented by the National Campaign spoke of girls, teenagers, women and gestating persons. This term was used by several pro-choice speakers. However, only a small number of speakers used this inclusive language, and most of them only spoke of women. This document uses this most frequently used terminology, but it does not reflect the position neither of the organizations nor of the authors. We acknowledge the importance of using inclusive language and of including the terms "gestating persons" in policies and laws related to sexual and reproductive rights.

3. Argentine Supreme Court of Justice, case "F.A.L. s/ medida autosatisfactiva," File N.º 259/2010, Volume: 46, Letter: F, Judgment of March 13th, 2012.

## International Human Rights Standards

“ International Human Rights Law is not an obstacle to the decriminalization of abortion proposed in the Bill. It has been biasedly pointed out that in the Inter-American Human Rights System [...] according to Article 4 of the American Convention life must be protected from the moment of conception and thus, all abortions would be illegal. This is not so, neither in the text nor in the history of the Inter-American Human Rights System. ”

**MÓNICA PINTO**, Chamber of Deputies Committees' Plenary Session Debate, April 26th.


“ In the case Artavia Murillo, the Inter-American Court of Human Rights defines the protection of the unborn person as something gradual and incremental. This is something the Inter-American Court invented. It does not arise from the document of the Inter-American Convention on Human Rights. Besides, this declaration or judgment does not indicate that a purely discretionary, free, without cause, abortion decided by the woman is an alternative allowed by the American Convention on Human Rights. I mean, the judgment dictated by the Inter-American Court in the case we mentioned does not say so. ”

**NÉSTOR SAGÜÉS**, Senate Committees' Plenary Session Debate, July 11th.

The legal hierarchy of the Argentine Constitution gives special relevance to international human rights standards when interpreting the Argentine legal system.

As set forth in the Argentine Constitution, pro-choice speakers focused on the fact that the international human rights treaties incorporated into the Constitution govern “under the conditions of its applicability”. It was pointed out that this regulation incorporates a dynamic element that gives special value to the interpretations made by international human rights bodies responsible for ensuring that each one of those treaties are respected and guaranteed. In this sense, successive recommendations of many of these treaty bodies (such as the Committee on the Elimination of Discrimination against Women, the Committee on the Rights





of the Child, and the Committee against Torture) have advised Argentina to decriminalize abortion and to ensure access to legal pregnancy termination for girls, adolescents and women.

The provisions in these treaties cannot be understood to be against abortion legalization as the bodies that interpret them advise the States to ensure access to this health practice. Besides, it was also pointed out that the principle of progressiveness of human rights implies not only that it is impossible to apply a retrogressive measure on the recognition of rights, but it also imposes an obligation to advance towards greater protection of women's rights.

Those against the Bill argued that there is no international rule stating that abortion has to be legalized and that the recommendations made by international human rights bodies may be used as guidelines but are not binding for the State. It was pointed out that the right to life is enshrined in the American Declaration of the Rights and Duties of Man, in the American Convention on Human Rights, in the International Covenant on Civil and Political Rights and in the Convention on the Rights of the Child. It was also asserted that the Bill violated other human rights treaties that have constitutional hierarchy. They specifically identified Article 4 of the American Convention on Human Rights which would protect life "from the moment of conception" and an interpretative declaration made by Argentina when ratifying the Convention on the Rights of the Child. They also mentioned that the pro-homine and the progressiveness principles impose an obligation on the States to improve human rights protection, promotion and respect by promoting common well and generating opportunities of development for everybody.

In answer to these arguments, it was mentioned that the text of the American Convention on Human Rights is clear when it states that the right to life shall be protected "by law and, in general, from the moment of conception", leaving the possibility for different positions as regards abortion open. It was also recalled that when the Convention was drawn up, situations such as abortion regulation in Argentina were taken into account as it included the legal indications under which abortion was legal since 1921. What's more, emphasis was given to the interpretation made by the Inter-American Commission on Human Rights<sup>4</sup> and by the Inter-American Court on Human Rights<sup>5</sup> of Article 4 on the Convention when stating that the protection of the right to life is not absolute but gradual and incremental. It was also emphasized that there is nothing in the international human rights law that may represent a barrier for abortion legalization. Countries such as Uruguay, which has made progress towards the recognition of the right of women to have access to an abortion, have renounced neither the American Convention on Human Rights nor the Convention on the Rights of the Child.

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4. IACHR, "Baby Boy" v. United States of America, Resolution 23/81, Case 2141, March 6th, 1981.

5. IACHR (Court), case "Artavia Murillo et al. ("In vitro fertilization") v. Costa Rica", Preliminary Objections, Merits, Reparations and Costs, Judgment of November 28th, 2012, Series C N.º 257.

## Collision of Rights

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When speaking of human rights we have to keep in mind that human rights are those that grant its holder, a person, prerogatives which may only be limited in order to protect the human rights held by other persons. That is to say, these rights cannot be restricted nor nullified in order to safeguard collective, utilitarian or consequential interests. They cannot be restricted on the basis of values such as abstract or potential human life.

”

**NATALIA TORRES SANTOMÉ**, Chamber of Deputies Committees' Plenary Session Debate, April 17th.

“

[In a case of] collision of rights the superior right of the child, enshrined in the International Convention on the Rights of the Child has to [...] take precedence, for it also has constitutional hierarchy and is part of this constitutional corpus. Anyhow the debate has to do with prioritizing the right to life as a fundamental right for the realization of any other right and which should never collide with the possibility of a regulation on the basis of a mother's wish or intention.

”

**MARÍA MOSCOSO**, Chamber of Deputies Committees' Plenary Session Debate, April 12th.

Most of the speakers considered that the situation contemplated by the Bill implied a tension or collision of rights.

Those in favor of abortion maintained that no right is absolute and that the Articles of the Argentine Criminal Code which currently regulate abortion decriminalization under certain specific situations are a clear example of the relativity of rights. It was also pointed out that, as there is no hierarchy of rights, the right to life is not always nor in every case placed above other rights. Therefore, there would be no contradiction between the recognition of the embryo's life and the proposed regulatory modification as our legal system recognizes the right to plan and to decide when to have children. It was mentioned that, in line with the international

standards, the incremental value of life is recognized and therefore, the right of the woman to decide prevails at a certain stage of gestation and the protection standards of life in gestation increase with the passing of time.

Speakers against the reform maintained that in the case of a collision of rights and based on child protection regulations, the “best interest of the child”, and never the woman’s desire, should prevail. Thus, in case of a conflict between the embryo’s or fetus’ interests and those of an “adult” person, those of the embryo or fetus should prevail as the right to life is a superior right that makes it possible to exercise any other right. They emphasized that denying the embryo or fetus the right to life implies a discriminatory treatment in contradiction with Article 2 of the Convention on the Rights of the Child as a child’s life would be legally protected but not that of the embryo or fetus. They also mentioned that the Bill implies, on the one hand, a tension between women’s and health professionals’ rights which has to be reconciled by the State, and on the other hand, a tension between the women’s right to decide and the filiation rights (as father) of the male parent.

In opposition to these arguments it was set forth that the legal protection of life does not necessarily entail abortion criminalization. Protection takes different possible forms, such as the public policies that protect women throughout pregnancy and those that prevent unwanted pregnancies. Abortion legalization does not imply that Argentina will abandon its commitment to protect life, even that in gestation. Advancing with this legal reform agenda is not incompatible with other commitments. Therefore, ruling out abortion criminalization does not imply that the State may not adopt other more suitable measures than criminalization to protect life in gestation.

## Use of Criminal Law

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In a democratic State, unlike in an authoritarian one, criminal law is considered to be the last resort when in need of protecting a legal right. Only when that legal right cannot be safeguarded by other public policies is the use of criminal law justified and only if it is a useful tool to improve the situation. It has been empirically proven that the use of criminal law to make the unwanted embryos of the pregnant person be born does not serve the intended purpose, as it did not discourage women and it actually caused severe health damages or death to thousand of them.

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**GABRIELA VÁZQUEZ**, Chamber of Deputies Committees’ Plenary Session  
Debate, May 8th.

“

We have a criminal law that properly sets forth that the practice of abortion is a legal wrong doing categorized as a criminal offense, and which imposes a punishment for a reproachable behavior that destroys the life of an innocent human being, who has the legal status of child of the pregnant woman, according to the Argentine legal system in everything that has to do with the paternal ties and in family law.

”

**PAOLA GUTIÉRREZ**, Chamber of Deputies Committees' Plenary Session  
Debate, May 24th.

As the Bill under debate presupposed a modification of the Criminal Code regulation that criminalizes abortion, some of the arguments made reference to the efficacy, or to the lack of it, in the application of criminal law to regulate the access to that right.

In favor of legalization, it was stated that criminal law is the last resort to protect a legal right and which must be used only if it is an efficient tool to improve the state of things. As regards abortion, criminal law has failed in its attempt to prevent it. Criminal law did not achieve its intended purpose not only because it did not discourage women from their decision, but it also made them put their health at risk when doing so. On the other hand, it was pointed out that abortion criminalization worsens the inherent selectivity of the criminal system and it is therefore unacceptable in a democratic State. Most of the times, the criminal system targets people who, given their social, financial or cultural conditions, face difficulties to defend themselves and to know their rights. In this context, women are forced to choose between going to a hospital to save their lives and preserve their health even when this may mean being criminally prosecuted, or accepting a situation which may put their health and even their lives at risk.

Those against legalization stated that abortion criminalization should be maintained as criminal law presupposes the protection of “the weakest”. They admitted that, though it is true that criminalization has not discouraged women from getting an abortion, the State has not implemented prevention plans nor has it allocated an appropriate budget for this task. It was claimed that the passing of the Bill would mean changing to an unrestricted abortion system in which women would have the right to get an abortion on demand up to the 14th week of pregnancy and it would make the existing legal indications more flexible therefore allowing abortions in much later stages of pregnancy. There were those who, even though they were against the regulatory modification, considered that it was necessary to review the abortion criminal law and to discuss whether or not it deserved a criminal sanction. Yet, they considered that the proposed Bill did not mean a paradigm shift in the sense that it would still stay within criminal laws.

The reply was that criminal threat has not prevented nor discouraged women from interrupting their pregnancies. In fact, most criminal justice operators do not use this tool as the number of criminal proceedings instituted in connection with this offense represents an almost non-existent percentage in Argentina. It was also clarified that the Bill proposed changing to a time-limit system that legalizes abortion until the 14th week and maintaining, from the 15th week onwards, the legal indications that exist since 1921. It was emphasized that eliminating the criminalization only for women without modifying the penalization for health professionals would mean maintaining the current clandestine conditions, and would discourage health professionals from fulfilling their role and providing women proper care.

## Refusal to Provide Services on Grounds of Conscience

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As regards conscientious objection, this issue is adequately treated in the law. Conscientious objection is a right rooted in the Constitution, but one which cannot be exercised in violation of women's rights. Studies on this issue differentiate between the objection that works as a shield to protect the objector and the objection that works as a sword to thwart rights recognized by the legal system. Law protects the conscience of objectors but, at the same time, it protects the conscience of women who are considering whether to carry their pregnancy to term or not”.

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**MARCELO ALEGRE**, Senate Committees' Plenary Session Debate, July 10th.

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“Therefore, conscientious objection should not be considered a voluntary infringement of a legal regulation in force but the respect for the person's individuality and rights in terms of justice for the physician. Conscientious objection should be institutional or individual, partial or total, private, transient and definitive.

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**MARÍA DE LOS ÁNGELES CARMONA**, Senate Committees' Plenary Session Debate, July 11th.



Some reflections were made during the debate as to how the recognition of this right should be balanced with the freedom of consciousness of the health professionals that should provide care to the women who request this health practice.

Pro-choice speakers pointed out that “conscientious objection” is an individual act. It was specified that the purpose of this act is not to question a norm and thus it shall not be used to deprive other people of their rights. Therefore, the denial of abortion services for reasons of conscience should not be allowed as it cannot be an excuse to deny the effective exercise of a right.

Speakers against the reform stated that “conscientious objection” implies not performing actions that severely affect individual and group conscience. This possibility is based on several rights recognized in the Argentine Constitution, such as the freedom of thought, of conscience and of religion, and it should be allowed to be both individually or collectively exercised in the private and in the public sectors. In this regard, nobody can be forced by law to do something against his or her will as long as this does not directly harm another person.

In answer to this, it was pointed out that a denial of services for reasons of conscience may only be accepted if informed in advance and, for both the public and the private sectors, if the following conditions are met: a public record of “conscientious objectors” is created; institutional or whole obstetric service conscientious objection is prohibited; the duty of expedite referral or immediate care in emergency cases is stated; and the claim of “conscientious objection” for allowing women to have access to information is prohibited.



## PUBLIC HEALTH ARGUMENTS

Abortion is a public health issue as it is a reproduction event which, if performed under unsafe conditions, may cause irreparable damages to the woman's health or life which could be avoided under safe conditions. During the debate, many of the arguments centered around the safety of abortion and its impact on pregnant women's health and lives. At the same time, the debate focused not only on women but also on how the Argentine public and private health systems should address this issue. This section reviews the main health-based arguments provided during the legislative debate.

### The Magnitude of Abortion in Numbers

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There is a number that I find shocking, to think that since the return of democracy, since 1983, 3030 women have died as a consequence of clandestine abortions. 3030 women is like filling ten planes, with the impact this has on us, and bringing them down; all of them deaths that were absolutely avoidable.

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**PATRICIA ROSEMBERG**, Senate Committees' Plenary Session Debate, July 10th

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I have always found that 500 thousand figure ridiculous, so to say. Considering that 700 thousand children are born in Argentina every year, 500 thousand would mean that we are killing like 40 or 50 percent of our population every year. There is no such country in the whole world.

”

**SIRO DE MARTINI**, Senate Committees' Plenary Session Debate, July 11th.

The speakers frequently disagreed on the number of induced abortions and of maternal deaths as a result of unsafe abortions in the country. Mainly, they questioned whether or not abortion is the main cause of maternal death.

The numbers on the magnitude of induced abortion practice presented by those in favor of voluntary pregnancy termination were based on a research carried out by national academic institutions using internationally accepted methodology and the maternal death rates were provided by the national Health Ministry of Argentina. To show the effects of this practice, they presented data taken from official sources not only on mortality but also on hospitalizations due to abortion complications at public facilities. Like the tip of an iceberg, these data helped realize the magnitude of the problem and visualized the effects that unsafe conditions have on the physical health of women.

This data was presented by different actors throughout the debate, and not only by those with an authoritative voice from the field of public health. They were also picked up and defended in the arguments given by those representatives in favor of the Bill at the time of voting. Emphasis was put on the quality of the sources, the data collection methods, the validity of the measurements, the consistency of the analysis and the interpretation of the numbers, and also on the authority of the academic institutions that produced this evidence. With the same intellectual honesty, they mentioned the data limitations and the impact this has on the findings. Data was also presented to be used in a historical comparison, both within the country as well as at a regional and global level.

The questioning as regards the reliability of the sources and the robustness of the used methodologies made by speakers against the Bill was repeatedly weak. No other source or evidence from other studies using other methodologies was presented, and no critical questioning with scientific authority was made.

The debate on clandestinity was incorporated to the agenda mainly by those in favor of the Bill. This helped make contrasting positions less evident and exposed the depth of the analysis, the framework of data interpretation and the previous knowledge gathered by those who proposed the Bill.

## Impact of Legalization on Health Practices

“ The first cause of death in Uruguay used to be abortion. [...] Our first achievement was a reduction in maternal mortality. And today we are proud to say that Uruguay is the country with the lowest number of maternal mortality in the whole of the Americas, second only to Canada. Today no woman dies in Uruguay as a result of an abortion and thus our maternal health profile is similar to that of the most advanced countries in the world. ”

**LEONEL BRIOZZO**, Chamber of Deputies Committees' Plenary Session  
Debate, May 24th.



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In the Chilean context, a study showed that the legalization of therapeutic abortion in 1931 did not result in a reduction of maternal mortality, but that this reduction was first seen when a systematic program on prenatal care and supplementary nutrition for pregnant women and their children was implemented. Surprisingly, when therapeutic abortion was prohibited in 1989, mortality rates did not increase.

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**JUAN BAUTISTA ELETA**, Chamber of Deputies Committees' Plenary  
Session Debate, April 24th

During the debate, one of the key discussion points was how legalization would affect public health practices and women's health.

Those in favor showed the positive impact it would have on the reduction of maternal deaths due to abortion, on the increase of practice safety, on the prevention of mortality due to unsafe practices, on earlier access to health services and on the reduction of the costs for women and the health system. Based on academic articles and statistics of national ministries of health, they presented the evolution of health indicators and services production in those countries where abortion has already been legalized. They also pointed out that the strategy used in those experiences also included a strengthening of contraception access policies. The experiences of Mexico City and Uruguay were explained by health authorities from those countries specially invited to Argentina to participate. Some Argentine jurisdictions that implemented comprehensive policies for the access to contraception and legal abortion within the current legal indications framework were also mentioned, together with their positive effects.

Arguments against the Bill mentioned that legalization would turn abortion into a contraceptive method which would in turn cause an exponential growth in the practice, mainly among adolescents and youths. They also said that it would increase the costs for the health system and that it would not reduce maternal deaths, and to support this, they repeatedly mentioned the Chilean case. They also pointed out that the response capacity of the health system would not be sufficient given the complexity of the procedure and the human resources needed, more specifically, of specialists. They argued that abortion care would compete with other more critical public health issues, for instance, breast cancer care. Finally, they claimed that legalization would make it impossible to prosecute rapists as abortion on demand would be authorized and this would make the legal indication on rape invisible.

Some case studies and experiences in other countries were mentioned by those in favor

of the Bill. The political authority of national public officials, three ministers of health from Argentina and those from other countries in the region, was a key addition for the credibility of the arguments on this specific issue. Legality not only makes this issue visible, but it also makes it possible to properly measure it, and though at first there is an increase in numbers, this is the result of its being recorded and not of an increase in the practice. Legalization also reduces the number of women who are hospitalized in intensive care units or who have surgeries due to complications, and it improves the overall cost-effectiveness of abortion care as medical abortion is not only safe but it can be done on an outpatient basis, making it possible for women to contact health services sooner.

## The Effects of the Climate of Lawlessness

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As an investigator, I could present information on how illegality causes avoidable suffering and risks to women but that does not deter them from interrupting their pregnancy if that is what they have decided, or were forced to decide, to do. I could explain how clandestinity encourages irresponsibility and abuse by those who administer abortions, creates black markets and enables speculation in the legal markets, as shown by the price of misoprostol. I could explain how men talk about what it means for them to have their partners risk their lives, their health and their freedom.

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**MARIO PECHENY**, Chamber of Deputies Committees' Plenary Session  
Debate, May 29th.

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Being in favor of both lives is not just an expression. It is the conviction that results from a critical view of reality, one that does not put what's urgent before what's important. One that always keeps in mind a responsible and careful treatment, one based mainly on quality scientific evidence that defends both lives.

”

**MARCELO RIERA**, Chamber of Deputies Committees' Plenary Session  
Debate, May 3rd.



In Argentina, the current legal indications regime allows the access to abortion in cases of rape or risk to the woman's health or life. Yet, social judgment, the lack of knowledge about this regulatory framework, and also the cultural atmosphere of supposed illegality, create barriers that prevent women from attending services and health teams from providing proper and timely care.

Pro-choice speakers emphasized the impact that the climate of lawlessness has not only on public health indicators (mortality and morbidity) but also on the impossibility of recording the phenomenon, and more importantly, on access inequality and on the stigma towards women and health teams. As women do not have enough information about the conditions under which they may request a legal abortion nor the material, symbolic or social resources to face the many-sided issues imposed by this regulatory system, leaving the certification of the legal indications in the hands of the physicians.

Illegality affects the perception that women and health teams have of abortion practice legitimacy. Thus, in the case of women, stigma affects how they decide to abort, how they look for care, and how they communicate with the health team and also the lack of knowledge and information they have, how much they trust the used procedure and how this affects their body. In the case of health teams, stigma affects their willingness to actively listen to the reasons women have to abort their pregnancy, how they certify the legal indications and the lack of options they offer as regards the procedures. Summing up: it prevents them from answering to women's needs in a timely and proper manner in their role of health agents and regulation enforcers.

No argument as regards the situation of illegality was presented by those against the Bill. The only argument presented was a reaffirmation that the prohibition prevents the practice and that legality, its counterpart, exponentially increases it. They focused on questioning the numbers presented as regards the consequences of illegality (mortality and morbidity) and on emphasizing that these consequences are the result of abortion and not of its clandestine practice.



## Abortion Safety

“ The WHO [World Health Organization] analyzes the relationship that exists between abortion safety and a legal framework and it is obvious that where the legal framework is highly restrictive or it prohibits all types of abortions, the percentage of unsafe procedures increases, and vice versa. ”

**RAFFAELA SCHIAVON**, Chamber of Deputies Committees' Plenary Session Debate, May 22nd.

“ I put an end to the myth of safe abortion and then I finish my presentation. Abortion implies an invasion in the woman's body that will never, for sure, be completely safe. The only sure thing about abortion is that an unborn human being, an innocent one, dies in the hands of those who should have defended his or her health. ”

**CHINDA CONCEPCIÓN BRANDOLINO**, Senate Committees' Plenary Session Debate, July 31st.

Safety of abortion practices was discussed both by pro-choice and anti-choice speakers.

Pro-choice speakers mentioned technological advances, new options available and technique adaptation according to the gestational age and the woman's preference. Information was presented on medical abortion being the most cost-effective technology during the first trimester of pregnancy and on the ethic and legal grounds that should grant the right to enjoy these advances of scientific knowledge. Emphasis was made on its safety, on the existing evidence as regards the low incidence of complications associated to it, on the possibility of administering it in diverse health contexts and on its advantages for outpatient treatment. They mentioned the incorporation of vacuum aspiration as a proper technique to meet the safety standards and the preferences and needs of women, and also to overcome the limitations that health services have when offering anesthesia for a surgical procedure. Health authorities made special emphasis on the safety associated with the use of these technologies as compared to the use of obsolete and higher risk ones such as curettage.

Anti-choice speakers questioned the safety of each one of these technologies and the numbers of potential associated complications. They made special emphasis on abortion complications per se, regardless of the social, legal and health context in which it is performed. They also emphasized the invasive nature of any abortion technology, including medical abortion, and focused on what happens to the fetus when each of these technologies is used. Medical abortion was also questioned due to its “easiness” of access and use, as well as for the autonomy it represents for women.


## The Costs of Abortion on the Health System, on Women and on Their Families

“ Physicians, and mainly managers, always love to discuss costs, but us physicians think about something else because we think about people's health. And talking about costs and their reduction, this would mean less bed use, no need to take a patient to the operating room; less staff, anesthesia, equipment maintenance, supplies and medication. ”

**PATRICIO SANHUEZA**, Senate Committees' Plenary Session Debate, July 24th.

“ We don't have enough intensive therapy beds. We don't have enough ventilators to respond to Influenza A. Are we going to take them away from those patients to use them on these people who are killing a healthy person? So, another cost we must consider, and a quite important one, is the cost of the learning curve. What does this mean? These are the complications that will begin to appear as a result of uterine perforations, uterine bleeding, and lack of knowledge about the technique. These patients will need to have their uterus removed, they will have to go to intensive care; and there will be an increase in supplies and costs. Even in the most expert hands. ”

**FERNANDO SECIN**, Senate Committees' Plenary Session Debate, July 10th.



The costs associated to abortion were discussed from the different perspectives of what they represent to women, families, the health system and society as a whole. The costs associated to the care provided for unsafe practices complications as well as the costs for the provision of legal abortion, the financing of abortion related services and the opportunity cost that financing legal abortion instead of other more urgent or prevailing diseases represents for the health system were also discussed.

Pro-choice speakers assessed the costs for women in terms of what it means for them having to face the barriers in the access to clandestine abortion, what this potentially implies for their health and lives, and also what it means for them being denied the access to an abortion and being forced into motherhood. The costs for the family were presented in terms of the children who become orphans due to the death of the woman as a result of an abortion, of how the working days missed due to a forced pregnancy affect family income and of the quality of life after chronic complications.

Anti-choice speakers presented these costs in terms of mortality, morbidity and compromise to future fertility, and considered any pregnancy termination as potentially unsafe and a determining factor for these effects. They specially mentioned the supposed immoral impact that abortion legalization would have on society. No real cost estimations were presented and they based their arguments on the prevalence of other more urgent and imperative diseases and on the competence this would create in the use of public resources.

Health authorities, in line with abortion legalization, presented evidence specially prepared for the debate on the costs of abortion provision using the proper techniques as compared to the costs of providing care for unsafe abortion complications. This data was supported with information provided by scholars and with the experiences of other countries in the region. As to the false dilemma of how to allocate public resources and the assumption that legal abortion care might disproportionately drain resources, the Argentine Minister of Health emphasized the potential savings that the provision of care for legal abortion using the proper technology may represent for the Argentine public budget.



## The Consequences of Abortion on Women's Mental Health

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I want to emphasize that there is no evidence as to abortion causing depression, anxiety, post traumatic stress or suicidal behaviors. But the denial of an abortion and of being forced into motherhood have negative effects on physical health, on financial conditions, on the quality of interpersonal relationships and on the capacity of looking after and raising already born and future children.

”

**DANIEL GROSSMAN**, Chamber of Deputies Committees' Plenary Session Debate, May 22nd.

“


There is general agreement that mental health problems have serious and long lasting consequences on individuals, families and societies. Any consideration about the impact of abortion decriminalization should also consider the consequences this kind of policy would have on mental health. There are 4 key questions that answer a greater question: If abortion is legalized, will it be beneficial for the health and well being of Argentine women?

”

**VINCENT RUE**, Chamber of Deputies Committees' Plenary Session Debate, April 24th.

Both perspectives agreed that the preservation of health includes not only the physical health of pregnant persons but also the impact on their mental health.

The arguments against the Bill focused on “post-abortion syndrome.” According to several speakers, every woman who undergoes an abortion situation suffers from this syndrome which, as they described, presents the following symptoms: anguish, anxiety, feeling of blindness, exaltation, feeling of guilt, pain, sadness, depression, inability to self-project, irritability, lack of concentration, inability to self-forgive, death and suicidal ideation, alcoholism and concentration, inability to self-forgive, death and suicidal ideation, alcoholism and drug addiction, among others. These discomforts would supposedly affect not only women but also their relationship with partners and relatives. It was argued that men are just as affected as women, and that though they present the same symptoms, they suffer them



them in silence. Despite the fact that the World Health Organization does not recognize the existence of “post-abortion stress”, it was claimed that it does recognize “post-traumatic stress,” which, though it is not the same disorder, it has the same consequences.

Pro-choice speakers refuted this syndrome and emphasized that it is the denial of an abortion that harms women's mental health. Several global researches have shown that such a syndrome does not exist and that trauma is not caused by abortion per se but by the conditions under which it is provided and which determine how each person experiences it. The impact of abortion on women's mental health has to do with restricted legality, clandestinity, silence and concealment. As to this, the Turnaway <sup>6</sup> study on the denial of safe abortion carried out in the United States was presented. The study concluded that there is no evidence as to abortion leading to depression, anxiety or an increase in suicide rate. On the contrary, it showed that those women who showed more symptoms of anxiety and anguish belonged to the group of women who were denied an abortion. They were the ones who suffered the socioeconomic and the psychological consequences and who put their physical health at risk due to a clandestine abortion.

In favor of the Bill it was also stressed that when the care provided to women respects their rights and autonomy, when women are well treated and have access to information, even if they go through some kind of mourning process, they do not hold on to the suffering and pain.



## SOCIAL AND CULTURAL ARGUMENTS

Social and cultural arguments played a central role in the debate. Speakers at the Chamber of Deputies' and at the Senate's committees extensively repeated them. Many times the debate dealt with different issues that involved an interpretation of certain social and cultural aspects: what woman autonomy implies, the considerations about the fetus's life, the effect of clandestinity and different moral, religious and philosophical perceptions. This section reviews the main social and cultural arguments provided during the legislative debate.

### Autonomy and Freedom of Decision

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We need legal, safe and free abortion in order to deconstruct patriarchal mandates which still persist in the 21st century and force women into motherhood. We need it to correct the abuses that chauvinism still inflicts on our bodies. [...] We need it to put women in a condition of equality as full citizens.

”

**MARÍA DEL VALLE AGUILAR**, Chamber of Deputies Committees' Plenary Session Debate, May 3rd.

“


I come here today to speak in favor of women. Our purpose as women is to love and give love.

”

**JOSEFINA BÉCCAR VARELA**, Chamber of Deputies Committees' Plenary Session Debate, April 24th.

Women's freedom to decide about their own body and the responsibility they assume just by being a gestating subject were key points in the discussion on how women are socially and culturally constructed.

One of the main arguments in favor of legalization had to do with the fact that abortion criminalization restricts and limits women's autonomy and their right to decide about their



body, sexuality and life project. These limitations constitute a structural violation of the principle of equality and non discrimination. It is the State, the legal or the health system that decides for them, thus turning them into second class citizens. These arguments highlighted that it is time to stop belittling women: they do not need expert committees to safeguard their decisions. Therefore, abortion legalization and decriminalization means acknowledging women as full political subjects with the authority, autonomy and right to decide about their own lives.

Speakers against the Bill argued that freedom implies assuming responsibilities. They also questioned the freedom that women seek to achieve and claimed that it would only be a freedom for a part of society since unless women are provided with real alternatives and supporting policies, they would not have real freedom to decide. It was also claimed that abortion legalization would promote imperative and coercive practices and generate internal and external pressures for the pregnant woman: loneliness, fear, labor coercion, lack of resources, social pressures, family disapproval, and abandonment by the State. Abortion was referred to as a form of violence against women: it would promote physical, emotional and psychological abuse; perpetuate the circle of violence and leave the victim exposed to future rapes, mainly in the case of domestic abuse, where a pregnancy may be a means to stop the abuse.

In answer to these arguments, the need for serious policies against the abuse of girls and women was emphasized: pregnancy should not be used as a tool against abuse. Besides, legalization would not only give women access to a safer practice, one covered by the health system, but also access to comprehensive sex education and to contraceptive methods so that they may avoid unwanted future pregnancies. It was emphasized that abortion legalization does not aim to oblige anyone to have an abortion but it is only setting forth a new right which women may use if they so desire. Forced motherhood always involves suffering for the woman and a violation of her human rights. Motherhood should be a choice, not a destiny. Women should be able to enjoy their sexuality without violence or pressure and without putting their health or their lives at risk.

Arguments against the Bill claimed that motherhood is a “privileged quality” that should be valued and become an essential right of women. Motherhood is not a punishment, it is women's “most precious asset”, even their “vocation”. It was also argued that the idea that women are capable of doing it all should be reinforced: carrying a pregnancy, having a family and being a professional. The role of men was also stressed: without their active participation there would be no pregnancy. Every embryo or fetus has a “father”. Abortion legalization would violate both men's right to choose a life project as well their freedom to decide. Instead of empowering women, abortion would deprive men of their responsibility and thus strengthen a chauvinistic culture.

As to this, it was claimed that men do not suffer from the same discrimination and violation of their rights as women, that given their reproductive abilities they do not have the same disadvantages as women nor does society or the State impose a life plan on them. Only women experience the direct and indirect consequences of pregnancy. It was also pointed out that



abortion is the only crime that punishes only women. It was claimed that this discrimination must end and that women's freedom to decide must be guaranteed. Equality will not exist until there is a law that respects women's reproductive autonomy.

## Life Construction and Valuation

“ To talk about the right to life leaving aside the rights of women would turn us into tools, objects, it would deprive us of our human condition; the fact that we, women, have not even been granted the proper equality conditions to sustain that life is also a gesture of poor political conscience. ”

**DIANA MAFFÍA**, Senate Committee's Debate, July 31st.

“ This Bill's approval would make the maternal uterus, the natural place for the child's care, the ultimate space for protection, become an unsafe place: the Reverse Kingdom. In other words, and to be graphic, unsafety would enter into the maternal womb. ”

**OCTAVIO LO PRETE**, Senate Committee's Debate, July 18th.

The value given to life and how the concept of life is constructed in each specific culture, religion and society was another actively discussed point in the debate.

Many of the arguments against legalization centered on the right to life as the most important and essential of all rights. It was claimed that the embryo or fetus is a living being and therefore, abortion would mean the “assassination of that life.” It was pointed out that the Argentine State has to look after the embryo's or the fetus's life because it does not have a “voice” and it deserves to be protected by law.

Pro-choice speakers claimed that there is no indisputable agreement on the beginning of life. The concept of human life is an arbitrary convention based on social, moral, legal or

or religious constructions, one that lacks scientific rigor. They emphasized that the value of human life increases as pregnancy grows: a clear example of this is that criminal laws do not assign an abortion and a homicide the same weight; wanted and implanted embryos are not valued in the same way as discarded ones, nor is a spermatozoid or an egg valued in the same way as a child. Therefore, the Argentine State should abstain from using coercion to force decisions.

Yet, against this it was argued that this is not just a matter of the woman's conscience, but a decision that transcends her and projects itself on a "third party" which cannot be ignored. It was claimed that the embryo or fetus is not a part of the woman's body but a separate body instead. It was pointed out that this means proposing the suppression of life in favor of other freedoms. On this regard, it was frequently mentioned that solutions to save "both lives", that of the woman and that of the fetus, should be found. The Argentine State should have all the necessary tools to protect the rights and the lives of "vulnerable" women as well as the life of the embryo or fetus. Emphasis was made on the need to find better solutions in agreement with human dignity and which demand absolute respect for life.

In answer to this, it was stated that assigning an absolute value to the life of the embryo or fetus is to undervalue women's subjectivities, personalities, lives and rights. To talk about the right to life, leaving aside women's rights, would mean transforming them into tools, into objects, depriving them of the human condition. Without this law, the Argentine State will keep on protecting a moral that puts human life from conception over the life of women. The falsehood about the two lives ends up defending none of the two supposed lives: abortion criminalization protects neither women nor the fetuses or embryos. Abortion decriminalization and legalization would defend life, as the number of maternal deaths and abortions would diminish and this leads to a real compromise with life.

## State Responsibility

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One of the questionings made to the Bill, which has preliminary approval, is that abortion could be used as a contraceptive method. This claim, apart from hiding a profound disdain for women, is untrue. Once abortion is law, women will not only have access to a safer practice covered by the health system but also to contraceptive methods that will help prevent unwanted future pregnancies. It does not mean choosing between sex education, contraceptive methods or abortion. It is a whole package that includes access to health and to sexual and reproductive rights and which we must guarantee as public health policy.

”

**PEDRO CAHN**, Senate Committee's Debate, July 10th.

“

It is surprising that those who promote the death of people in gestation only demand sex education, when they show no education in their language, on biology, medicine, statistics, law, when, according to their arguments, everything is wrong in Argentina, statistics are wrong, scientists do not know when life begins, psychiatrists should not speak about the post abortion syndrome, physicians should not care for the fetuses as patients, etc. etc., actually, as it was said, and based on abortionist reasonings, we might as well close our universities, and the research and statistics departments in Argentina, because all this kind of knowledge is no longer important, only Comprehensive Sex Education [ESI, for its acronym in Spanish ] is important, and only if they teach it.

”

**GABRIELA QUADRI**, Chamber of Deputies Committees' Plenary Session  
Debate, May 22nd.

Everybody agreed on the importance of having a responsible and compromised State that guarantees that laws are abided and that there are public policies in place to protect people's rights.

Anti-choice speakers admitted that unplanned pregnancies are a huge social problem. Yet, they maintained that the Argentine State should design effective public policies to implement comprehensive sex education programs, to improve family planning, to offer accompaniment options, to improve the adoption system and to promote health services. Instead of legalizing abortion, women should be offered other alternatives, such as making adoption easier or providing financial assistance to women “so that they do not abort their pregnancy”. Public policies should not abandon women; instead, they should unconditionally support women throughout motherhood with health, social, financial and legal actions.

Pro-choice speakers maintained that most laws, public policies and practices have a negative effect on women as they impose roles such as motherhood on them, and stigmatize and punish them when they do not live their lives according to those roles or to socially established behaviors. Yet, the Argentine State is obliged to not discriminate and therefore, it should review any norm and practice that has a discriminatory impact. It was claimed that the Argentine State should design public policies to guarantee the material and cultural conditions necessary to exercise the right to decide without restrictions or extortion. Of course the Argentine State should guarantee the application of laws already in force, such as comprehensive sex education, and strengthen rights such as the access to public health and to contraception methods. But, above all, the Argentine State should protect women and guarantee them easy access to safe services if they decide to interrupt their pregnancy.

## Clandestinity

“ Centuries of control and regulation over the female body still persist in the memory of our practices and turn the effective access to legal pregnancy termination as currently allowed by the criminal code into a maze. ”

**PAULA FERRO**, Chamber of Deputies Committees' Plenary Session Debate, May 29th.

“ The question is, do I belittle women? Well, look, I believe that women are belittled when we speak of thousands of deaths caused by the use of parsley stalks or knitting needles. That is belittling women, because it is like saying that women do not know that Misoprostol exists. Do you really think that all women who resort to clandestinity will choose the parsley stalk or the knitting needle? You are belittling women there. It is not so. Nowadays women have access to information on what's available. ”

**LUIS DURAND FIGUEROA**, Senate Committee's Debate, July 17th.

As regards the implications of clandestinity and marginality, there were different positions as to the effect the law may have on them.

Speakers in favor of legalization and decriminalization analyzed that years of abortion criminalization have shown that the threat of a criminal punishment does not discourage women from having an abortion nor does it reduce the number of abortions performed. It has only pushed women to abort in clandestinity, putting their lives at risk and affecting their health with abortions performed in unsafe contexts. It is not the same for a woman to get an abortion in clandestinity than to get it under conditions that recognize her rights: illegality constitutes a violent and restrictive context, one that is racist, excluding ad classist. Legalization would help eliminate this socioeconomic inequality and provide greater social justice.

The arguments against legalization maintained that abortion does not solve social problems: it would not solve poverty, marginalization, lack of education, unwanted pregnancies, maternal deaths or rapes. It would actually hide the reality of marginalized women and it would be a “quick way out” of a complex problem which would leave women in

the same conditions as before. It was claimed that women need real solutions that empower them and give them back their dignity.

In answer to this, the importance of advancing with policies that contribute to social justice was emphasized, even if this would not solve every social problem. Clandestine abortion widens the gap in social or regional inequities and worsen the conditions of inequality between women who have the financial means and women who don't. Therefore, there is a need not only for decriminalization, which would maintain that inequality, but also for legalization as it would be the only true solution that guarantees access to health services for all women. Legalization would promote Argentine State assets and services so that women have access to information and health services regardless of their social class or of the country's region in which they live.

## Social Movements, Society Demands and their Related Values

“

We women and other subjects capable of gestating are subjects of our own lives, not living parts of a reproductive machine that produces material and spiritual richness and which pretends to define us as managed instead of managers of our own existence. We have a voice and we make it heard as a scream and as a complaint, as a cry and as a word that sets the foundations for a huge social movement which demands something that has up to now been resisted and obstructed by clerical forces that pretend to maintain women silent. Our motto: “Sex education to decide, contraceptives to prevent abortion, legal abortion to not die.

”


**MARTHA ROSENBERG**, Senate Committee's Debate, July 10th.

“

If we decriminalize abortion, we are giving future generations a wrong message. What would our limit as a society be? And after abortion what? Pedophilia? And after abortion what? Zoophilia? What else are we going to have? We need to go back to our origins. We need to go back to the society we have always been, one that defends life and each of the lives to be born.

”

**GABRIEL PEDRO FLORES**, Chamber of Deputies Committees' Plenary Session Debate, May 3rd.



The pressure exercised by the different social, religious and political movements was another topic of debate. Part of this discussion was which interests are being defended when deciding to modify the law.

Anti-choice speakers claimed that the debate in Argentina had been possible thanks to supposed international pressures from the International Monetary Fund and the World Bank. They maintained that these international actors are interested in decreasing the population in order to take advantage of the country's natural resources, to control the finances and markets and to control the political power. It was emphasized that this is modern imperialism aimed at cultural colonization.

Pro-choice speakers claimed that the fundamentalists that defend the life of the fetus have strong lobbies that maintain an indissoluble relationship with religious hierarchies. They emphasized that these movements launched an offensive to put pressure on the Argentine Congress and obstruct the imperative legal progress that society demands. It was also shown that the Argentine women's movement has been able to break with many of the stigmas and oppressive roles that religion has imposed on them, as well as with the taboo, the silence and the shame around abortion. Women from all generations made society's demand for this right visible. The long trajectory of the Argentine women's movement and the rights they have conquered have resulted in the passing of regulations that recognize essential human rights and have helped build a less discriminatory, more inclusive, democratic and fair society.

Anti-choice speakers pointed out that many aspects of abortion have to do with selfishness, individualism, narcissism, intolerance, hedonism, moral degradation and anti-democratic values. They said that a law should contribute to harmony, peace and common good and promote the responsibility of every member of society and that abortion legalization would be a "cultural setback." Christianity proclaims ethical values and principles that govern life: elements which are relevant in the history and construction of Argentina. Abortion legalization would destabilize the order of its society's values and would bring about a "curse."

However, it was stated that the advance in this right cannot be interpreted as an attack on the Church. On the contrary, to deny the Church its role as moral custodian of society would free it from a role it could never fulfill in a plural and democratic society. Besides, in a multiple, plural and diverse society, discussion should not revolve around moral or religion. Personal, religious and moral positions should govern neither State decisions nor legal regulations.





## CONCLUSION


The legislative debate on the legalization of abortion in Argentina concluded without the passing of the law but with a social and cultural change that crossed the country borders. The debate made a large part of the Argentine society question their opinion as regards abortion, it made people talk, reflect, discuss and get informed about the subject. This Bill was one of the most debated and analyzed ones in the whole of Argentine National Congress history. Though the result was not the one we wished for, we may conclude that Argentina has gone through a historic process that turned out to be a huge testimony of how democracy works.

Summing up, we may conclude that the arguments in favor of legalization, based on decades of research and empirical and scientific evidence developed by well reputed national and international professionals, were more rational, objective and compassionate than the ones presented by those against the Bill. This last group tried to impose a personal, and many times religious, moral on a law that affects women and gestating subjects of very diverse characteristics.

The debate brought together prominent figures and professionals from different fields in the pursuit of a common good. During the debate there was a strong intermingling of political alliances that went beyond partisanship, women groups, civil society organizations and academic members who worked hand in hand to put together many of the arguments here presented. This type of bond was key for the debate.

Above all, we have to mention that what took place in 2018 is rooted in the feminist militancy and activism that managed to include a long ignored issue in the agenda of the political power. The process also made it clear that youths play a major role: adolescents were the main protagonists of the demand for the right to abortion. Even though the Bill was not approved by the Senate, their demands aimed at promoting and protecting the Comprehensive Sex Education Law, which exists in Argentina since 2006 but it's not properly implemented.

Abortion is no longer a taboo subject and is now an essential part of the public agenda for the progress of women and gestating subjects' rights. Backpacks and purses with green handkerchiefs still flood the streets. The importance of having legal, safe and free abortion is clearer than ever. Sooner than later, abortion will be legal in Argentina.



**REDAAS** is a network of health and legal professionals associated with public and community health services in Argentina. Our commitment is to accompany and assist women in situations of legal abortion, understanding it as part of our professional, ethical and legal duty. Our goal is to help eliminate institutional and political barriers to access safe and legal abortions, promote appropriate interpretation and application of the legal indications contemplated in the current regulations and build a community to share information, exchange experiences and offer a space of solidarity, encouragement and political support.

The creation of this network started in 2011 as an initiative of the Health, Economy and Society Area of CEDES - Centro de Estudios de Estado y Sociedad - and was institutionalized under the name of REDAAS in 2014, in a joint construction with ELA - Equipo Latinoamericano de Justicia y Género -.



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