



Key arenas in the struggle for abortion rights in Argentina

Escenas claves de la lucha por el derecho al aborto en Argentina

Mónica Tarducci¹

¹PhD in Social Anthropology. Director, Center for Interdisciplinary Research on Gender, Faculty of Philosophy and Letters, Universidad de Buenos Aires. City of Buenos Aires, Argentina. ✉ 

ABSTRACT The huge mobilization seen in 2018 around the right to legal abortion in Argentina is the crowning point of a struggle that has been going on for many years, and that like any emancipatory movement has had different milestones as well as victories and setbacks, but that has never been abandoned. This article considers some of the actions that have marked that history, beginning with the pioneering women of the seventies, and continuing with the Commission for the Right to Abortion [*Comisión por el Derecho al Aborto*] after the restoration of democracy in the 1980s, followed by the experiences of Women Coming Together for the Right to Choose [*Mujeres Autoconvocadas por el Derecho a Decidir*], the Assembly for the Right to Abortion [*Asamblea por el Derecho al Aborto*], and the present Campaign for the Right to Legal, Safe and Free Abortion [*Campaña por el Derecho al Aborto Legal, Seguro y Gratuito*], which succeeded in getting the bill that decriminalizes and legalizes abortion treated in the National Congress.

KEY WORDS Women's Rights; Feminism; Legal Abortion; Legislation; Argentina.

RESUMEN La enorme movilización por el derecho al aborto legal, que se produjo en 2018 en Argentina, es la coronación de una lucha de muchos años que tuvo sus hitos, como todo movimiento emancipatorio y también sus marchas y contramarchas, pero nunca fue abandonada. En este artículo recorremos algunas de las acciones que jalonaron esa historia, que comienza con las pioneras de los años setenta, para continuar con las luchas después de la recuperación de la democracia, con la Comisión por el Derecho al Aborto; luego con las experiencias de Mujeres Autoconvocadas por el Derecho a Decidir, y la Asamblea por el Derecho al Aborto, hasta llegar a la actual Campaña por el Derecho al Aborto Legal, Seguro y Gratuito, que logró en 2018, que el proyecto de ley que despenaliza y legaliza el aborto llegara al Congreso de la Nación.

PALABRAS CLAVES Derechos de la Mujer; Feminismo; Aborto Legal; Legislación; Argentina.

THE SEVENTIES

If there is one thing that defines what is known as “second-wave” feminism, the movement that took place in the 1960s and 1970s, it is its ability to politicize everyday life, to identify as grave injustice the abuses of power that were committed in settings considered “private” or “intimate” (violence against women, for instance), bringing those issues into the public arena.

The right to free sexuality, completely separated from reproduction, soon emerged as a demand inherent in women’s freedom, in a destiny that would not inevitably link femininity with maternity. “My body is mine” was proclaimed in the streets as campaigners demanded the right to abortion. Argentina was not foreign to this emancipatory movement occurring worldwide. Both the Argentine Feminist Union (UFA) [*Unión Feminista Argentina*], as well as the Feminist Liberation Movement (MLF) [*Movimiento de Liberación Feminista*] expressed themselves publicly through pamphlets or articles in magazines such as *Persona*, focusing on how important it was for women to live their sexuality freely, while criticizing the hypocrisy behind “Mother’s Day,” and demanding the right to legal abortion. One of the pamphlets prepared by UFA (around 1973) proclaimed: “Unintended pregnancy is a form of slavery / Stop backstreet abortions / Fight for legal abortion / Feminism is well underway.”

In 1974, UFA and MLF expressed their positions against a federal executive decree which forbade dissemination and free sale of contraceptives in a pamphlet, which was also a message to leftist groups that believed that birth control was a weapon of American imperialism: “Say no to unintended pregnancy / Say no to compulsory sterilization / Fight for a conscious pregnancy.”⁽¹⁾ Pamphlets prepared by the UFA referred to unintended pregnancy as a kind of slavery for women and called for the need to decriminalize abortion to put an end to backstreet procedures.

In 1974 a coordinating body was formed to organize a conference in 1975, a year

which was being announced as the International Women’s Year. It was the beginning of a period known as the “Women’s Decade” as proclaimed by the United Nations and, within that framework, Argentine feminists also gathered to bring in their demands, which were not completely welcome by the coordinating body. Therefore this group of feminists decided to create a separate entity called the Front for Women’s Struggle [*Frente de Lucha por la Mujer*], with a program that demanded, among other things, the repeal of the executive order forbidding the dissemination and the use of contraceptives, the spreading of information about contraceptives for both men and women, and legal and free abortion.⁽²⁾

As we can see, the right to abortion was undoubtedly part of feminist claims in the early seventies of the twentieth century.

CREATION OF A COMMISSION FOR THE RIGHT TO ABORTION

As I have stated on other occasions,⁽³⁾ the post-dictatorship period in Argentina appears as a fertile ground for women to introduce our demands, notably expanding the democratic rights that were being re-established. As a result, the discussion was not only about divorce and parental responsibility granted only to fathers, but also about the right to a full sexual life and to legal abortion. These demands are evidenced by some handwritten pamphlets from those times, which read: “We don’t want to have abortions. We don’t want to die from having abortions,” and were distributed during the first street celebrations to commemorate International Women’s Day, on March 8, 1984, as well as by the recollection of protest chants that affirmed: “Such a shame, such a shame, a woman dies due to backstreet abortion every day.”

Moreover, starting in 1982 and for thirty years in a row, the feminist group Association for Women’s Work and Research (ATEM) [*Asociación de Trabajo y Estudio sobre la Mujer “25 de noviembre”*] held annual meetings that

are deeply rooted in the history of local feminism, not only for being a space where activists could attend workshops, conferences, and recreational activities, but also because vital experiences for Argentine feminism took place there. I would like to mention, for instance, the workshop on lesbianism, in 1986, which led to *Notebooks of Lesbian Existence* [*Cuadernos de Existencia Lesbiana*], and which promoted the creation of the Commission for the Right to Abortion [*Comisión por el Derecho al Aborto*] one year later.

In fact, as stated by Dora Coledesky^(4,5) on several occasions, she had already started working on the issue and was invited to the meetings organized by ATEM, in 1987, to take part in a round table on abortion together with Laura Klein, Laura Bonaparte, Susana Sommer, Safina Newbery, and Erica Dummontel. After all the presentations, and as proposed by Marta Fontenla, a member of ATEM, the idea of creating a commission to fight for the *Right to Abortion* came up; an idea which was eventually materialized in March 1988, with an initial team composed of Dora Coledesky, Safina Newbery, Laura Bonaparte, Alicia Schejter, María José Rouco Pérez, and Rosa Farías, a nurse from the Muñiz Hospital. Shortly afterwards, physician Alicia Cacopardo joined in.

The *Commission for the Right to Abortion* was finally created, and thanks to its tenacious members it was possible to bring abortion into the spotlight. Their tasks were many and creative: collecting signatures at a table on the sidewalk of the coffee shop *El Molino*, opposite Argentina's National Congress; organizing talks and debates; publishing the magazine *Nuevos Aportes sobre Aborto* [*New Contributions on Abortion*] and what were known as *Prensarios* (a kind of press release), which summarized information about abortion; giving support to women seeking tubal ligation; taking part in the preparation of three bills; and drafting one of their own, among other actions.

In November 1990, during the 5th Latin American and Caribbean Feminist Meeting held in the City of San Bernardo, Argentina, the Commission coordinated the workshop

called "Abortion as a Right," which issued the Declaration of San Bernardo that, among other proposals, declared September 28 as the day for "the right to abortion of women in Latin America and the Caribbean" (based on the conclusions reached during the Meeting), or the day for the legalization of abortion in Latin America and the Caribbean, as recalled by some women who attended the Meeting. The date chosen commemorates the enactment of the "Freedom of Wombs" law in Brazil, which enabled the freedom of those who had been born to enslaved women.

In 1992, the Commission filed with Argentina's House of Representatives the first draft of a bill on Contraception and Abortion, which the Commission had published in the fifth issue of the magazine *Nuevos Aportes sobre Aborto* in the year 1991. Said bill required that the population receive reliable information on contraceptive methods; that qualified staff give proper advice on their use and inform about relevant contraindications; that training teams be formed, especially teams to train women as promoters in this area of health; and that hospitals and health care facilities, as well as employment-based health insurance, have well-trained staff and offer free services to guarantee contraception in all social sectors, which should operate within the same working hours as pediatric services. The bill also insisted on the need to include contraception in maternal-child health programs as instructed by the World Health Organization (WHO), and demanded that employment-based health insurance include contraception in the National Nomenclature.

The first draft of the bill also had a provision containing the option, both for women and men, for a method of definitive sterilization if they so desired; it also provided that the State promote research, development, and implementation concerning contraception for both sexes; and, regarding abortion, that the right of every woman be legally protected to perform an abortion during the first 12 weeks of pregnancy.

We should not forget that the Commission established the slogan "*contraceptives to avoid having to abort, legal abortion*

in order not to die,” and, as affirmed by its members,⁽⁵⁾ the Commission was pioneer in the “discussion and dissemination of certain facts, concepts, and very relevant criteria”:

1. The notion that *contraception* and *abortion* are not contrary to each other, since even with adequate contraception methods (and even with adequate sex education), there will always be circumstances where the choice to have an abortion is justified.
2. The distinction between *decriminalization* and *legalization*, considering that although decriminalization is a step forward, it does not guarantee that every woman can have an abortion performed in a public hospital under the best conditions.
3. The concept of “health” as defined by the WHO, which is not exclusively identified with the idea of “absence of disease” but related to the “psychophysical comprehensive well-being,” requiring that social and psychological conditions be considered when choosing to have an abortion. This concept would later become important with respect to the therapeutic abortion exception, since it also included cases of rape.
4. The “statutory exceptions,” disseminated in our press media, where we maintained that Section 86, paragraph 2 [of the existing law] referred to every case of rape.
5. The view that abortion is not a “reproductive right,” since it is a procedure that prevents reproduction. We have always made this notion clear.
6. The dissemination of the existence of RU-486. Although illegal in Argentina, it was important to inform about its existence as a non-surgical means of abortion.
7. The struggle against the widespread idea – even among those who supported it as an option – that abortion involves a “trauma” causing severe psychological consequences. We insisted that the long-standing inherited culture of maternity as women’s only destiny acted as a psychological weight on women that had an abortion, but that the majority, when they were determined, especially in the poorest sectors, felt instead liberated from an unwanted pregnancy.⁽⁵⁾

THE NINETIES

The nineties were profoundly stimulating for those who fought against backstreet abortion in Argentina. On the one hand, a neoliberal government was in power, which brought along calamitous consequences for the quality of life of the great majority of the population, and which also proposed a Constitutional Reform; on the other hand, there was proliferation of associations and organized groups joining the struggle for the right to abortion. Such is the case of the Forum for Reproductive Rights [*Foro por los Derechos Reproductivos*], created in 1991, and the group Women Coming Together for the Right to Choose in Freedom (MADEL) [*Mujeres Autoconvocadas para Decidir en Libertad*] in 1994, made up by the Forum for Reproductive Rights, the Commission for the Right to Abortion, the Women’s House [*Casa de la Mujer*] (City of Rosario), the Bar Association of Buenos Aires [*Asociación de Abogados de Buenos Aires*], Women Fighting Together of the City of Paraná [*Convocatoria de Mujeres de Paraná*], political representatives belonging to the Socialist Unity party [*Unidad Socialista*], Women’s Commission of the Broad Front [*Comisión de la Mujer del Frente Grande*], Radical Women for Change [*Mujeres Radicales para el Cambio*], Women’s Commission of the Foundation Karacachoff [*Comisión de la Mujer Fundación Karacachoff*], Women of Argentine Workers’ Central Union [*Mujeres de la Central de Trabajadores Argentinos*], Trade Union Women’s Forum [*Foro de Mujeres Sindicalistas*], Permanent Assembly for Human Rights - Women’s Commission [*Asamblea Permanente por los Derechos Humanos – Comisión Mujer*], and several student associations.

MADEL was created amid the heat of the International Conference on Population, which took place in 1994 in Cairo – where the Argentine State held a purely clerical and anti-rights position – but also and more importantly, it was organized to fight the intention of Carlos Menem’s administration to include an Article “defending human life

from the moment of conception” in the reform of the Constitution.

According to Mario Pecheny, the result of the discussion about that Article was that, for the first time, Argentina’s political class discussed abortion and the initiative:

They unexpectedly had to face the protests by a considerable group of women within the Convention – women had just achieved the enactment of a law of quotas for female participation – as well as the objections by women’s organizations.⁽⁶⁾

The issue was settled in such a way that the Church regarded it as a defeat; the Convention approved an ambiguous commitment Article that established:

a system of special and comprehensive social security aimed at protecting a neglected child, from pregnancy until the end of the elementary teaching period, and of the mother during pregnancy and time of breastfeeding [the word “conception” is replaced with the word “pregnancy”].⁽⁶⁾

A fact that should be highlighted is that, in 1999, the Argentine Workers’ Central Union (CTA) [*Central de Trabajadores Argentinos*] included the topic of decriminalization of abortion in its national program, thus becoming one of the few worker-related confederations to contemplate the issue.

Also in 1999, the Coordinating Body for the Right to Abortion was created, which was made up by the Commission for the Right to Abortion (which had left MADEL shortly after its creation), and other organizations such as Self-Organized Socialist Women (MUSAS) [*Mujeres Socialistas Autoorganizadas*], Catholics for a Free Choice [*Católicas por el Derecho a Decidir*], Azucena Villaflor Women’s House [*Casa de la Mujer Azucena Villaflor*], University Specialists’ Association for Research on Women (ADEUEM) [*Asociación de Especialistas Universitarias en Estudios de la Mujer*], and the participation of many others like ATEM, and the Foundation for Research

and Studies on Women (FEIM) [*Fundación para Estudio e Investigación de la Mujer*].

On September 28, 1999, the Coordinating Body released a public letter in the newspaper *Página/12* entitled “Backstreet abortion: a pact of silence.” On March 8, 2000, the Coordinating Body organized a meeting in a room inside the National Congress with Congresswoman Marcela Bordene and Congressmen Alfredo Bravo and Héctor Polino. On September 28, 2001, a live concert was held in Houssay Square, which was convened not only by the Coordinating Body, but also by feminist groups, the Women’s Bookstore [*Librería de Mujeres*], human rights organizations, as well as gay, lesbian and trans rights groups.

FIRST DECADE OF THE 21ST CENTURY

In the framework of protests on December 19 and 20, 2001 – which led to the resignation of former president Fernando de la Rúa – neighborhood meetings or assemblies (called *asambleas*) began to be held, in which a number of feminists took part, including women belonging to the Coordinating Body for the Right to Abortion. At the end of 2002, the Assembly for the Right to Abortion was formed, which met at the Matrix Cultural Center, located at the junction of Entre Ríos Avenue and San Juan Avenue in the City of Buenos Aires, as a result of an initiative by a group of feminist women, some of whom belonged to the Commission for the Right to Abortion. In fact, it was at an inter-neighborhood assembly held at Centenario Park that some of the members gathered and began to think about convening a meeting for the right to abortion. One of the issues that triggered the need to formally organize an assembly was the creation of a political strategy for the 18th National Women’s Meeting in the City of Rosario, taking into account that the Catholic Church was getting ready to have an active role in the event.^(7,8)

The Assembly for the Right to Abortion was made up by feminist women who were either independent or belonged to organizations; collectives of gays, lesbians and transvestites; as well as women from political parties. Some of the organizations present were the Commission for the Right to Abortion, ATEM, Forum for Reproductive Rights, Women to the West [*Mujeres al Oeste*], Inconvenient Feminists [*Feministas Inconvenientes*], Las Fulanas, Bread and Roses [*Pan y Rosas*] (from the Socialist Workers' Party – *Partido de los Trabajadores Socialistas*), Partido Obrero, Leftist Women [*Mujeres de Izquierda*], the Revolutionary Communist Party [*Partido Comunista Revolucionario*], Movement of Unemployed Workers Aníbal Verón [*Movimiento de Trabajadores Desocupados Aníbal Verón*], and Homemakers of Argentina [*Amas de Casa del País*].

Such diversity, including different ages, enriched the debate while at the same time it created tension regarding the ways of doing politics, since in addition to the different positions within the same women's movement, the political parties brought along an operational logic that was alien to feminists. A debate at the time, which is still echoing at present, had to do with the demand for "decriminalization" and not "legalization," by those who do not want State intrusion into women's bodies.⁽⁸⁾

The expectations with respect to the National Women's Meeting in the City of Rosario in 2003 were largely satisfied, since the "workshop for the right to abortion" was attended by more than 300 women, and in the march along the city streets green handkerchiefs were seen for the first time, a contribution of Catholics for a Free Choice.

To Ruth Zurbruggen and Claudia Anzorena,⁽⁹⁾ the sessions held at the National Meeting in the city of Rosario, in 2003, and in the province of Mendoza, in 2004, helped to shape the process that would later acquire national importance, and that would anticipate the formation of a federal entity.

In May 2004, and in accordance with the consensus reached during the workshops at the National Women's Meeting of in the City of Rosario, the First National Meeting for the

Right to Legal, Safe and Free Abortion was organized in Buenos Aires, which was convened by Strategies for the Right to Abortion [*Estrategias por el Derecho al Aborto*], a group based in Buenos Aires (made up by those that had left the Assembly).

Starting in 2003 in Mendoza, Neuquén, Córdoba, La Plata, Rosario and other locations within Argentina, as was already happening in Buenos Aires, feminist organizations were carrying out activities to visibilize the demand for legal abortion, with some organizations being strongly attacked by fundamentalist groups.⁽⁹⁾

THE NATIONAL CAMPAIGN FOR THE RIGHT TO LEGAL, SAFE AND FREE ABORTION

After the National Women's Meeting in the Province of Mendoza, in 2004, a first gathering was scheduled for April 2005, in the province of Córdoba.

There, seventy representatives from across Argentina gathered, and a "national and federal" Campaign was born; during the meeting the founding document was written, it was decided that the name would be the "National Campaign for the Right to Legal, Safe and Free Abortion," and the foundational mottoes were established: "Sex education to be able to choose. Contraception to avoid having to abort. Legal abortion in order not to die." (Elsa Schwartzman, personal communication)

On May 28, 2005, on the International Day of Action for Women's Health, the National Campaign for the Right to Legal, Safe and Free Abortion was launched, with the collaboration of a considerable number of non-governmental organizations that advocated for the rights of women, women's associations, and social organizations across Argentina.

On November 25 (International Day for the Elimination of Violence Against Women) in the same year, there was a huge march for the right to abortion that started at the junction of the streets Avenida de Mayo and Peru, and ended at Argentina's National Congress.

The Campaign continues to this day and reinforces a fight for legal abortion that has lasted for years. A number of organizations continue to join this struggle (at this moment there are more than 400 across Argentina), making the issue visible in a wide range of creative ways. The Campaign formally introduced bills to decriminalize and legalize abortion in 2007, 2010, 2012, 2014, and thanks to these efforts, the last one, presented on March 5, 2018, was discussed in both houses of Congress, being approved by the House of Representatives on June 14 but rejected by the Senate on August 8.

FINAL DISCUSSION

Members of the Campaign state that there is a "social decriminalization of abortion." This not only means that the topic is no longer concealed as it used to be, and that today the debate can be openly carried out, but also that wide sectors of the population agree that we have to put an end to backstreet procedures.

As we have seen, the Campaign is the continuation of many years of struggle, in which the importance of the National Women's Meeting emerges a hub where problems find new organizational channels. The meetings and plenary sessions of the Campaign are fundamental to reaching a federal and inclusive vision of the achievements and setbacks faced by activists in various regions across Argentina.

After building a strong presence in the media, the Campaign made it possible to spread the decision known as FAL, issued by the Federal Supreme Court of Justice in 2012, which affirmed that there are non-punishable abortions in Argentina, and these cases need not go to trial: in all cases of rape and if the woman's life or health is at risk.

The Campaign has integrated human rights organizations that had not taken part before like the Center for Legal and Social Research (CELS) [*Centro de Estudios Legales y Sociales*], and Amnesty International, with its great capacity of influence in court cases. These inclusions made it more visible within the public opinion that the right to abortion is an issue of human rights.

With respect to the discursive framework in which the demands of the Campaign take place, old and new strategies have been developed and have even sometimes overlapped, depending on the settings: the right to pleasure, to maternity as a free choice; arguments based on public health, socio-economic justice, protection of women's lives; pragmatic reasons and human rights discourse have been some of the pillars of the legal abortion bill supported by the Campaign.⁽¹⁰⁾ We should not forget the impact of the slogan "The right to abortion is a debt of democracy," which reminds us of the way that women's rights are systematically neglected for the sake of "true politics."

From its creation, the Campaign integrated activists approaching a feminist proposal for the first time, and over the last two years that was visible in a striking way due to the great number of young people that made this cause their own, inside or outside the Campaign, but always on the streets whenever it was necessary. The so-called "*pañuelazos*" (demonstrations across the country exhibiting iconic green handkerchiefs identifying the cause) gave them a leading role. The massive incorporation of young people into the struggle for abortion should be studied more thoroughly, but perhaps it would not be risky to affirm, at least for the time being, that this could be a byproduct of the general politicization of young people, no matter their gender, during the previous administration, and, perhaps, the discussions that took place in classrooms about the Comprehensive Sex Education Act, in places where it could be implemented, since it was a framework to discuss the politics of gender and sexuality that led female students to get involved and have an active role in campaigns.

The last introduction of the bill triggered an unprecedented process: newspapers, television shows, and online social networks showed the debate for months while the informational sessions at the National Congress, which included speeches presented by people from the worlds of academia, culture, art, and science, were not only filmed, but open to the

public. As usually occurs in these cases (let us remember the debate surrounding the Act on Absolute Divorce, in 1987), talking about abortion does not only mean talking about the issue itself, it means thinking about family and interpersonal relations, about lives and bodies, about freedom and justice; in short, about the society in which we wish to live.

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