

Europe Solidaire Sans Frontières > English > Americas > Argentina > Women (Argentina) > Reproductive Rights (Women, Argentina) > **A historic victory: Argentina's long history of struggle for legal abortion**

Gender & Governmentality

A historic victory: Argentina's long history of struggle for legal abortion

Wednesday 27 January 2021, by [TOGNOLA Virginia](#) (Date first published: 19 January 2021).

After many years of campaigning, Argentina's feminist movements booked a historic victory at the end of 2020 when abortion was finally legalized.

Contents

- [A memory of resistance](#)
- [The Green Tide sweeps Argentin](#)
- [Opposition and stigmatization](#)
- [Worsening patriarchal oppressi](#)
- [Many more fights to win](#)

On December 30, 2020, at 4am, Argentina's senate voted on an issue the whole nation had been waiting for: whether or not to legalize abortion.

Years of feminist campaigning were condensed into that vote. Hundreds of thousands of people at vigils across the country fell completely silent, holding each other's hands as they waited for the results. When the word "approved" popped up in green on the public screens, a deafening collective cry exploded. Hugs between friends and strangers mixed with tears of joy, hope and relief that the effort had not been in vain. Every woman dressed in the emblematic bright green of the abortion campaign that day was a sister, a companion who felt that victory in her guts.

After 12 hours of discussion in the senate, the law was approved with a much wider margin than anticipated: 38 votes in favor, 29 against and one abstention. The result delighted campaigners, some of whom had been camping outside Argentina's national congress for two days. As late as the day of the debate, the senators who had declared their positions were evenly split for and against, with four undecided.

Abortion has long been the topic of a public debate between feminists, who have demanded its decriminalization and legalization for decades, and conservatives, who refuse to accept it as a right under any circumstances. The bill's passing has resolved this debate in favor of the many thousands of women who have campaigned tirelessly for years for the legal right to control their own bodies.

A memory of resistance

Argentina has a long history of women's struggles. Although in many cases they did not describe themselves as feminists, their demands and political praxis were nevertheless tightly linked to the foundations of the movement. Today's feminists drew on those experiences to campaign body and

soul for our right to decide. Our ideals of resistance and our demands for rights are not isolated in time but draw on past struggles, especially the period after the last military-civic-ecclesiastical dictatorship, which was marked by social and economic violence.

The memory of the resistance of the Mothers and Grandmothers of Plaza de Mayo is a fundamental pillar of the revolutionary processes that mark our present. In the middle of the bloodiest dictatorship of our modern history, they courageously demanded the safe return of their disappeared sons and daughters. They did not stop in the face of constant threats and persecution by the de facto government — they organized their militancy, reaffirmed their founding principles and convictions, received training and became undisputed leaders who still tirelessly pursue their human rights work today.

In terms of justice, sovereignty and quality of life, the 90s were disastrous in Argentina. Neoliberalism favored the richest and brought the rest of us extreme hunger and unemployment. This ended in a terrible social and economic crisis in 2001. During this period, women comrades had a crucial role sustaining public soup kitchens, supporting children and taking responsibility for community life as best they could. While they took responsibility to secure the basic necessities of life, the men became prominent activists and social leaders.

In the decade that followed, Argentina was ruled by progressive left-wing governments who took care of the needs of the working class. The growing possibility for social advancement made it possible for people to imagine new social possibilities and political praxis beyond the immediate need to survive.

Every year since 1986, women's organizations in Argentina have held a National Women's Meeting, where the thousands of attendees discuss concrete political actions to carry out in their social spheres. The idea of a unified campaign to legalize abortion for any reason came about during the meetings in 2003 and 2004. The National Campaign for the Right to Legal, Safe and Free Abortion was launched the following year, providing a point of confluence for hundreds of groups, organizations and individuals.

The main slogan of the campaign is: "Sex education so we can decide, contraception so we don't abort, legal abortion so we don't die." Since 2007 it has presented legislative projects to legalize elective abortion six times until it was approved in the chamber of deputies but narrowly voted down in the senate in 2018.

Since 2015, the *Ni Una Menos* (Not A Single Woman Less) movement has been uniting millions of women and gender-dissidents around the country with the intention to put the spotlight on machista violence as a serious problem. Groups of women from all professional, political and independent sectors publicly displayed the process of organization that feminism had been developing for several years. From there, they set the agenda of public struggles that would be fought everywhere from the legislature and the mass media to the education system.

The Green Tide sweeps Argentina

During the abortion campaign, debate across the feminist spectrum was centered on the push to legalize the interruption of a pregnancy. Although there are many debates between feminist groups which at times seem irreconcilable, this was a demand that united them all. The consensus was so powerful that the multitude of people who took the demand to the streets, clad in green clothes, paint and glitter, have become known as the "Green Tide" (*Marea Verde*), after the distinctive color was adopted by the National Campaign for the Right to Legal, Safe and Free Abortion.

Commanding this Green Tide were teenagers and young people in student organizations and community-based social movements, especially in marginalized places like *villas* (informal settlements) and land occupations. They pushed the campaign forward through collective action, providing emotional support for women who needed abortions, spaces to disseminate information about sexual and reproductive rights, and self-care mechanisms to protect each other from burnout.

Ahead of the 2019 elections, current president Alberto Fernandez was heading up a ticket for Frente de Todos, a coalition that grouped together Peronism (a giant popular movement in Argentina that encompasses several political parties) and a broad spectrum of social movements. Under the pressure of the feminist movement that made up a large chunk of that social front, he adopted legal abortion as one of his main campaign promises.

Although the COVID-19 pandemic pushed the debate back by several months, Fernández maintained his commitment to legalizing abortion. Following a fresh wave of feminist protests and meetings with legislators, he scheduled a debate in the lower house for December 10, 2020. After 20 hours of discussion, deputies approved the bill the next day at 8 o'clock in the morning.

The Law on the Voluntary Interruption of Pregnancy, which was passed by the senate on December 30, legalizes abortion for any reason in the first 14 weeks of gestation. Terminations can be performed beyond that limit if the pregnancy is the result of rape or if the life or integral health of the pregnant person is in danger. Abortions will be free in Argentina's public health system, and health insurance companies must provide comprehensive coverage of the procedure.

Health professionals have the right to conscientious objection, but they must be consistent: they are not allowed to object in public hospitals and then charge to perform the procedure in the private system. If a patient requests a termination, they must refer them to a medic who is willing to perform it. Conscientious objection does not apply to post-abortion treatment or emergencies.

Opposition and stigmatization

Argentina's abortion legislation has evolved since 1921, when the penal code was first reformed to offer limited legal pathways for the interruption of pregnancy. Since 2012, abortion has been legal in cases of rape and if the pregnancy presents a risk to the integral health of the pregnant person. However, in health centers, pregnant people are often presented with hurdles that delay access to this urgent procedure. Health professionals often claim conscientious objection, deny that the right exists, or attempt to convince the person not to abort. Often, the institutions and staff who deny abortions within the legal framework go on to offer clandestine abortions at considerable cost.

This stigmatization against gestating people merely forced them to pay fortunes for the intervention or, if they could not get the money, carry out unsafe abortions themselves, using sharp objects, blows to the stomach and poisons. Legal and moral prohibitions on abortion do not stop them from happening; they just make them more dangerous.

While the abortion campaign was launched 15 years ago, most anti-abortion groups only emerged in the heat of the 2018 deputies' debate. This opposition mainly came in the form of the campaign *Con Mis Hijos No Te Metas* (Don't Mess With My Children), which has links with NOS, an ultra-conservative political party formed in 2019. Right-wing lobby groups like the Catholic church and health insurance companies — which profit when abortions are unregulated — imposed serious impediments to the government's ability to legislate. This involved exerting violent pressure on politicians ahead of the vote, to such an extent that many kept their decision secret until the day of the vote. Even after the approval of the legislation, these groups continue to present obstacles: a

recent lawsuit presented in Salta province's Federal Court No.2 alleges that the newly-approved abortion law is unconstitutional.

In November, when the abortion law was presented by the executive, the national government also introduced a bill called the "Thousand Days Plan." This plan seeks to provide state economic support to mothers in situations of social vulnerability during their pregnancy and the first three years of their child's life. It was formulated in response to allegations from anti-rights groups that legislators sought to "kill babies" without taking into account the sexual and reproductive health of mothers and unborn children. This project was approved on December 11, immediately after the marathon deputies session on abortion and without a debate.

Worsening patriarchal oppression under COVID-19 lockdowns

The campaign to legalize abortion and the conservative backlash against it, must be understood as part of the wider struggle for women's equality. In Latin America, *machista* (male) violence is structural. Individual attacks are legitimated by a complex network that naturalizes the idea of gender-based inferiority. This is evidenced by sexist crimes such as Argentina's alarming number of femicides, disappearances linked to trafficking, girls forced to gestate and sexual abuse within the family.

These are not isolated criminal acts, but rather part of a wider system of institutionalized patriarchy and misogyny. Governments, holy institutions and the state's repressive apparatus defend the status quo. In outrageous court verdicts, victims are judged for their appearances, their private habits and their sexual preferences. Legislators and public workers come out with [statements](#) that seem to come straight from the Middle Ages. Entire police detachments are implicated in child prostitution cases.

Machista violence also makes it impossible for women to access positions of power. This symbolic domination takes place in everyday environments: the break room at work, family spaces, community spaces. Women's behavior is disciplined via naturalization mechanisms such as jokes that humiliate or undermine, jokes about intimacy and jokes that seek to delegitimize identities and sexualities.

The desire to discipline women also feeds into strategies to discredit feminist struggles and demands, which have long been labeled as crazy, bitter or intolerable. This alienates women from the places where important decisions are taken about the direction of the country and rights legislation that directly affects them. The glass ceiling means that positions of power mostly go to heterosexual white men who are benefiting from material conditions that favor political success. They are the ones in charge of choosing, from their empirical subjectivities, which legal rights are prioritized, and which ones are not.

The COVID-19 pandemic has reaffirmed and intensified this oppression in several ways. During periods of quarantine, with entire families together at home all day, the amount of domestic labor soared. Despite its fundamental importance for capitalism, domestic labor is either unpaid or precarious and unregulated, and, of course, it is mostly done by women.

What is more, for many women, quarantine meant being stuck at home with their attackers and abusers. When they turned to the institutions that are supposed to help them, they found that both the staff and the working capacity had been cut. Even in health centers, this reduction in staff and caseload was severe: for instance, those who needed an abortion, even in the circumstances already permitted by law, found themselves on the receiving end of a string of bureaucratic delays to an

intervention in which every minute counts. The fact that this urgency was not recognized in health centers demonstrates that the rights of gestating people are not a priority.

Many more fights to win

It was thanks to the protracted struggle of healthcare workers, activists, youths, students, the unemployed and many thousands of others that the demand for free, safe and legal abortion has made it onto the public agenda — and that functionaries felt pressured to give a response. After the law was approved, it was impossible to ignore that this victory had come about thanks to the tireless insistence of feminists from all political and social fronts.

Laws are often not enough to guarantee our dignity. We will have to continue working closely so that access to sex education, contraception, abortion and care for pregnant people is a reality and not just a bureaucratic formality.

Now that the right of abortion is law, the feminist movement has a new challenge: to face the internal discussions that were postponed during this debate, and to find our common strategic and tactical horizons on the path to a world of equality once again.

Although there are many rights that women still need to secure, it seems clear that discussions about the employment of women and gender-nonconforming people are due. This may involve pushing for the existence of job quotas in the public and private market so that our gender does not limit us in our jobs. This is especially important for trans women, who are generally the most excluded from the labor market. It could also take the form of recognition of care work as real work that deserves state remuneration and benefits, or the recognition of those who voluntarily engage in prostitution as workers.

This last point generates the greatest divergences of positions among feminist organizations, some of which believe that the prostitution system must be abolished rather than legitimized, and others that fight for sex work to be a legal branch of labor like any other.

All these issues need time for reflection and systematization, time we have not had because in the political arena all our energy has been devoted to making abortion legal. Now that we have achieved it, we are aware that all this invaluable sacrifice represents a historic milestone. But there are still many more fights to win until we are no longer at risk simply for being women.

Virginia Tognola

P.S.

• Roarma. January 19, 2021:
<https://roarmag.org/essays/argentina-feminist-movement-abortion/>

— Special thanks to Amy Booth for her help with translating and editing.

• Virginia Tognola is a journalist, a militant in the Movimiento Popular Nuestramérica and an independent writer focused on politics, culture and human and environmental rights.