Argentine Senate Scuttles Abortion Bill

After months of intense debate, churning societal tension, and successful passage of the Chamber of Deputies, legislation that would have decriminalized abortion during the first 14 weeks of gestation failed when a majority of Argentina’s senators voted against it in the early morning hours of August 9, 2018. Thousands of Argentinians, divided into the “green” pro and “blue” con camps, stood in pouring rain outside the Congress as the debate unfolded. With the bill’s failure, Argentina’s abortion laws remain unchanged, but across Argentine society there is a profound consensus that the country may never be the same.

The Bill and Why It Failed

MercoPress of Montevideo wrote that the Argentine Senate, as expected, “finally rejected a divisive bill that would have legalized elective abortion.” The bill fell four votes short when 38 senators voted against the legislation, 31 voted in favor, and two abstained, following a debate that lasted more than 15 hours. “The proposed bill provoked fierce debate in Argentina where the Catholic Church has great influence and demonstrations for and against the legislation have taken place frequently in recent weeks, including during the final debate.”

Semana Magazine of Bogotá laid out the “four keys that explain why the new abortion law was rejected in Argentina.” They noted that the proposed law jumped the border of mere politics and lodged itself “into the intimate life of millions of Argentines,” with “almost no one left on the sidelines” and “almost everyone taking a stand in a discussion about life, death, the role of the state, gender, sex, and public health.” Yet despite hundreds of thousands of marching advocates, intense international media support, the backing of influential local and international personalities, and pressure from feminist groups, a narrow majority of senators said no. Since 1921, abortion in Argentina has been allowed only in cases of rape and risk to a woman’s health, yet abortion advocates noted that in Argentina there are half a million clandestine abortions each year. Semana credited religion (and Catholic Church influence), the conservative make-up of the senate, the quiet opposition by President Mauricio Macri, and the “moralistic argument” against abortion as murder with carrying the day for the “no” camp.

Gustavo Ybarra wrote in La Nación of Buenos Aires that the abortion issue generated powerful “mobilizations in favor and against” that were not easy to predict. During the four months that the debate lasted in both houses, the move to decriminalize abortion showed cracks and divisions in “almost all the political blocs,” though the sector most affected may have been the “the ruling party.” Many pro-administration legislators were angry with President Macri “for having acquiesced to debate a topic that is more than a little divisive.”
Along similar lines, *El Mercurio of Santiago* editorialized that abortion, “instead of uniting the opposition, divided the Peronista ranks.”

And in *Página/12 of Buenos Aires*, Luciana Peker wrote that “young women abort, but do not vote; senators vote, but do not abort.” Yet that is a situation that may soon change.

**Abortion in Latin America**

*El Tiempo of Bogotá* noted that in a few countries of Latin America and the Caribbean, abortion is legal with no restrictions. These are Cuba, Guyana, and French Guyana. In most others, it is illegal, with exceptions for cases of rape, deformation of the fetus, or risk to the life of the mother. This group includes Colombia and Chile, while other countries have these exceptions to varying degrees: Argentina, Brazil, Ecuador, Paraguay, Venezuela, Dominican Republic, Honduras, Bolivia, and Peru. Mexico, with its federal system, is a patchwork of legal and illegal zones, with legal abortion in Mexico City. The Supreme Court of Brazil is discussing the decriminalization of abortion until the third month of pregnancy. Abortion is “completely illegal with no exceptions in Haiti, Nicaragua, and El Salvador.”

Yoani Sánchez wrote in *14ymedio of Cuba* that abortion is “a topic that sets Latin America on fire,” with the notable exception of Cuba, where it is not much of an issue. Indeed, it seems that a majority of Cuban women have had at least one abortion. While many religious Cubans still condemn the practice, the Cuban government says the question of abortion is “resolved,” and most Cuban women see it as just another method of contraception, even if there are some health and fertility problems arising from Cuba’s fairly primitive methods.

In *El Universal of Mexico City*, Denisse Mendez chronicled “clandestine abortions in Latin America.” She noted that according to the World Health Organization, 3 of every 4 abortions in Latin America is considered risky.

Gisele Pereira wrote in *CartaCapital Magazine of Brazil* that despite current setbacks, Argentina and Brazil are moving steadily towards legalization of abortion. While many people argue that the abortion law’s failure in Argentina represents a defeat for the movement, she insists that it really “represents a process of social advancement” that has carried the cause forward. In Argentina, it went from being a taboo subject to a widely debated topic, and that is having a profound effect on Brazil.

**The Fight Is Far from Over**

*La Nación of Buenos Aires* editorialized that on “the day after,” Argentinians need time for “analysis and reflection” that will lead to “a broad consensus that protects the rights of all equally.” They noted that it was “without a doubt, a historic debate,” and acknowledged that the question is far from resolved. They also noted that it will be taken up again almost immediately with the revision of the criminal code. They called for civility and mutual respect.
In its editorial, *La Jornada of Mexico City* observed that Argentina has experienced “political and social tension rarely seen,” and noted that Argentina “was the epicenter of a battle that transcends, by far, the Argentine borders and which recognizes a growing portion, most likely majority, of the women of the planet.” They demand control of their own bodies, and reject the interference of the Church and the State.

In *Folha de S. Paulo*, Vladimir Safatle argued that the vote in the senate was largely beside the point. “The truth is that civil society has already decided; in practice, abortion will continue.” The only real issue at stake “is how abortion will be practiced.” The upper and middle classes will continue to have access to safe, clinical procedures, and the poor will continue to do what they can to deal with an unwanted pregnancy.

Writing on the eve of the debate, Catalina Ruiz-Navarro noted in *El Espectador of Bogotá* that “regardless of how the vote plays out, there is an undeniable fact: in Argentina, abortion is already culturally and socially decriminalized.” Most of the arguments against abortion now “sound anachronistic and ridiculous” to most young men and women. “Even if the law is voted against, the social change that produced the feminist green wave is irreversible; the liberalization of abortion in Argentina, and hopefully throughout the region, is only a matter of time.” This is because the “green feminist wave is spreading all over Latin America and the Caribbean.”

Writing in *Página/12 of Buenos Aires*, Sebastian Abrevaya agreed. He argued that “nobody can stop the wind.” Though the senate rejected the bill, the “green tide that mobilized millions of people throughout the country” is not receding. The “cultural change that the debate made clear” means that abortion’s ultimate decriminalization “is only a matter of time.”