

# CHRONICLES OF THE LATEST BATTLE FOR LIFE IN ARGENTINA

By Alejandra Giunta<sup>1</sup>  
And Paula Croatto Massi<sup>2</sup>

In the recent past months, Argentina has experienced a social upheaval not seen before. Perhaps like any unjust event, the proposed bill prompted pro-life activists to "arm themselves" and resist the pressure of decriminalization of abortion.

## A surprising announcement

In the first meeting for the coordination of the parliamentary agenda of 2018, inaugurated by President Mauricio Macri, he announced to the society that the national government *"will not put obstacles this year to the treatment in Congress of a bill to legalize abortion"*<sup>3</sup>.

The same president just over a year before closed the National Eucharistic Congress in Tucumán praying with the people: *"Jesus Christ, lord of history, we need you: to include all people and overcome all forms of poverty, to eradicate corruption in all its manifestations, **to protect life from conception until death**, to take care of nature, to live in peace with all the peoples of earth."*<sup>4</sup>

Macri's surprising declaration was issued, casually, after the visit of G20 to our country. He declared that this announcement would lead the G20 agenda that will be developed in Argentina at the end of the present year.

## Abortion in Argentina

In March 2012, the Argentina Supreme Court of Justice issued a ruling on the interpretation to be given to Article 86 of the Argentine Penal Code<sup>5</sup>, and

---

<sup>1</sup> Family advisor and counselor. Pro life activist for the Argentine NGO "Frente Joven".

<sup>2</sup> Lawyer by University of Cuyo, Argentina, specialized on Human Rights and maternal care and child mortality. Pro life activist for the Argentine NGO "Frente Joven".

<sup>3</sup> Journal article: *Macri dio luz verde para que se abra el debate sobre el aborto en el Congreso* ("Macri approved the opening of abortion debate in Congress"). Clarín. February 23<sup>th</sup>, 2018. See whole article: [https://www.clarin.com/politica/macri-dio-luz-verde-abra-debate-aborto-congreso\\_0\\_SJngdC3Pz.html](https://www.clarin.com/politica/macri-dio-luz-verde-abra-debate-aborto-congreso_0_SJngdC3Pz.html)

<sup>4</sup> (Emphasis added) Journal article: *Mauricio Macri: "Jesucristo, señor de la historia, te necesitamos"* ("Mauricio Macri said: Jesus Christ, lord of history, we need you"). La Gaceta. June 19<sup>th</sup>, 2016. See whole article: <https://www.lagaceta.com.ar/nota/686980/sociedad/mauricio-macri-jesucristo-senor-historia-te-necesitamos.html>

<sup>5</sup> "Article 86. Doctors, surgeons, midwives or pharmacists who abuse their practice to perform or assist with abortion will incur the penalties established in the previous article and will also suffer disqualification from their profession for twice the time of their conviction. Abortion performed by a medical doctor with the consent of the pregnant woman is not punishable: 1. If it has been done in order to avoid a risk to the life or health of the mother and if this danger can not be avoided by other means. 2. If the pregnancy is as the result of the rape of a mentally

established that abortion is not punishable when the health or life of the woman is in danger, or when the pregnancy is the result of rape<sup>6</sup>. Thus, the Supreme Court, through its interpretation of Article 86, extended the cases of non-punishable abortions<sup>7</sup>.

### **First signs**

By decision of the Executive Power, a Committee for the amendment of the Penal Code was convened at the end of 2017. These new amendments were already echoing some of the maneuvers of the abortion lobby, as the bill considered, within the crimes against human life, three proposals for decriminalization of abortion and none in defense of the unborn child.

### **Real interest behind abortion draft bill**

The abortion lobby has been guided and funded for years by foundations and international organizations such as Ford Foundation, United Nations, Gates Foundation, United Nations Population Fund, Rockefeller Foundation, National Organization for Woman, Naral Pro-Choice, and —mainly— by the multinational International Planned Parenthood Federation; through its organizations and foundations in Argentina such as *Casa FUSA*, CEDES, CELS, Amnesty International, and *Católicas por el Derecho a Decidir* (Catholics for the right to decide)<sup>8</sup>.

According to a study carried out by CEDES, one of the main foundations that promote abortion in Argentina, in the country there are half a million clandestine abortions per year. Nevertheless, the Ministry of Health itself published official figures indicating that since 2016, only 43 women died of abortion —without distinguishing between induced abortions and spontaneous abortions<sup>9</sup>. This numbers distance abortion from the first causes of maternal mortality in Argentina, such as cardiovascular complications or cancer.

### **The premise: manipulating concepts and figures**

---

disabled woman. In this case the consent of the woman's legal representative must be acquired to perform the abortion.

<sup>6</sup> Cf. *CSJN* (Supreme Court of Justice). March 13<sup>th</sup>, 2012. "F. A. L. S / Medida Autosatisfactiva" (Rulings: 335:197) Ruling available at: <http://sjconsulta.csjn.gov.ar/sjconsulta/documentos/verDocumentoByIdLinksJSP.html?idDocumento=7094221&cache=1536013878966>

<sup>7</sup> See Defending Lives web page: "Chapter on Argentina from Defending the Human Right to Life in Latin America" by Laura Farfán. Page 149, where she analyzes FA.L Ruling. Available at: <http://www.defendiendovidas.com/en/argentina/>

<sup>8</sup> Journal article: *Los intereses económicos detrás del Aborto* (Economic interest behind abortion). *La Nación*. July 10<sup>th</sup>, 2018. See whole article: <https://www.lanacion.com.ar/2151609-los-intereses-economicos-detras-del-aborto>

<sup>9</sup> Department of Statistics and Health Information. <http://www.deis.msal.gov.ar/wp-content/uploads/2016/09/2016-Tabla40.html>

Dr. Bernard Nathanson, the popular "king of abortion", wrote in his autobiography, "The Hand of God":

We persuaded the media that the cause of permissive abortion was a liberal enlightened, sophisticated one. Knowing that if a true poll were taken, we would be soundly defeated, we simply fabricated the results of fictional polls. We announced to the media that we had taken polls and that 60% of Americans were in favor of permissive abortion. This is the tactic of the self-fulfilling lie. Few people care to be in the minority.

We aroused enough sympathy to sell our program of permissive abortion by fabricating the number of illegal abortions done annually in the U.S. The actual figure was approaching 100,000 but the figure we gave to the media repeatedly was 1,000,000. Repeating the big lie often enough convinces the public. The number of women dying from illegal abortions was around 200 - 250 annually. The figure constantly fed to the media was 10,000. These false figures took root in the consciousness of Americans convincing many that we needed to crack the abortion law.

In the case of Argentina, it is impossible to maintain a logical consistency between the 700,000 births<sup>10</sup> and the alleged 500,000 abortions that they declare as true.

### **Free and unrestricted abortion**

The draft bill presented on March 5, 2018 by 71 deputies (File number 230-D-2018)<sup>11</sup> postulates the complete legalization of abortion until week 14 and, after that point, on broad grounds which includes any situation that may affect the physical, psychological and social health of the mother, rape, or severe fetal malformations.

The above is clearly deduced from articles 1 and 3 of the draft bill:

*Article 1: Exercising their human right to health, every woman has the right to voluntarily decide the interruption of pregnancy during the first 14 weeks of gestation.*

*Article 3: Notwithstanding the provisions of Article 1, and beyond the 14-week limit, every woman has the right to interrupt her pregnancy in the following cases:*

---

<sup>10</sup> Journal article: ¿Son reales las cifras de aborto para la Argentina? (Abortion figures on Argentina, How real?) Infobae Journal. May 17<sup>th</sup>, 2018. See complete article available at: <https://www.infobae.com/opinion/2018/05/17/son-reales-las-cifras-de-aborto-para-la-argentina/>

<sup>11</sup> *Proyecto de ley de Interrupción Involuntaria del Embarazo* (Draft Bill on Voluntary Interruption of Pregnancy). Official website: <https://www.hcdn.gob.ar/proyectos/textoCompleto.jsp?exp=0230-D-2018&tipo=LEY>

1. *If pregnancy is the result of rape, with the woman's only requirement and sworn statement extended before the health professional.*
2. *If the woman's life or physical, psychological **or social**<sup>12</sup> health is at risk, considered in the terms of integral health as a human right.*
3. *If there are severe fetal malformations.*

The word "social" allows termination of pregnancy on demand, as any reason could be a social problem caused by pregnancy. Therefore, it is clear that the bill proposes free and unrestricted abortion without expressing a cause until week 14, and for broadly defined categories until birth.

### **Unconstitutionality of the bill**

- The bill goes against Human Rights agreements that protect life from conception (Article 75, paragraph 22).

The bill is contrary to the Argentine Constitution because it does not respect the international covenants that protect life from conception. The Constitution of Argentina, after its amendment in 1994, incorporated the International Treaties of Human Rights into its text, giving them constitutional hierarchy.

Specifically, through the Convention on the Rights of the Child and the American Convention on Human Rights, Argentina gives constitutional protection to the unborn.

- The bill contradicts the constitutional mandate of the Congress of creating a law for the protection to the unborn (Article 75 subsection 23)

Its unconstitutionality is also reflected in the fact that the bill fails to fulfill a constitutional mandate for Congress. Art. 75 subsection 23 of the Constitution establishes that the Congress must *"issue a special and integral social security system to protect children from abandonment, since pregnancy up to the end of elementary education, and to protect the mother during pregnancy and the period of lactation"*.<sup>13</sup>

Thus, if Congress has the aforementioned duty, creating a rule that facilitates abortion would contradict the mandate of the protection of woman and the unborn.

---

<sup>12</sup> Emphasis added.

<sup>13</sup> Article 75: Congress is empowered:

Subsection 23: To legislate and promote positive measures guaranteeing true equal opportunities and treatment, the full benefit and exercise of the rights recognized by this Constitution and by the international treaties on human rights in force, particularly referring to children, women, the aged, and disabled persons. To issue a special and integral social security system to protect children from abandonment, since pregnancy up to the end of elementary education, and to protect the mother during pregnancy and the period of lactation.

- The bill goes against the principle of equality and non-discrimination (Article 16)

The bill allows the mother the performance of an abortion if it is discovered that the baby has severe malformations. We recall that our constitutional text in its Article 16 states “*all inhabitants are equal before the law*”. Thus, the bill, allowing for eugenic abortion, gives more value to the unborn that lacks malformations, establishing a distinction that is forbidden by the constitution.

### **Implications of the bill in case of approval**

The bill failed to respond to the implications for public health facilities, let alone of the economic framework. Currently, Argentina has a deficit in health care, mainly due to lack of funding. Prosecuting the bill as presented would involve a restructuring of the health care system as well as the demand for an economic project that supports the requirements to carry out abortion practices in facilities which currently do not even have the basic equipment needed for emergencies. Dr. Fernando Secin, who referred to the figures used by abortion drivers as “the price of killing a defenseless life”, detailed these facts in his lecture in the Senate<sup>14</sup>.

### **Rapid development of the bill**

Left-wing groups, openly supported by the media and by many people from the artistic sector, quickly began to promote the campaign in favor of the bill. In fact, they were the first to give lectures in the Congress with local artists.

Interestingly, most of the presentations in favor of the bill were given by public artistic figures, journalists, and feminist or left-wing activists, while speakers who opposed the bill were mostly health professionals, psychologists, lawyers, social workers, and women from vulnerable social sectors, all with scientific grounds and professional experience on these issues.

Another strategy used by movements who promote abortion to generate social consensus on the bill was to harangue the youth to claim abortion as an alleged women's right. Thus, they managed to have young activists within educational institutions to show that they supported the bill by wearing “green”<sup>15</sup>, and promoting actions that would generate appearances in the mass media<sup>16</sup>. One

---

<sup>14</sup> Full lecture by Dr. Fernando Secin available on: <https://www.youtube.com/watch?v=8Nt-vvuU6YE>

<sup>15</sup> Green is the color adopted by Argentina's abortion movement.: Clarín Journal, Aborto legal: qué simbolizan y cómo fueron elegidos los pañuelos verdes de la campaña nacional (What means green and how it was chosen for the abortion campaign) March, 7, 2018. Complete article available at: [https://www.clarin.com/sociedad/aborto-legal-simbolizan-elegidos-panuelos-verdes-campana-nacional\\_0\\_SJxZkRpdG.html](https://www.clarin.com/sociedad/aborto-legal-simbolizan-elegidos-panuelos-verdes-campana-nacional_0_SJxZkRpdG.html)

<sup>16</sup> “La Nación” Journal, article: “*Hay al menos 11 colegios tomados por alumnos, a favor del aborto legal*” (“There are at least 11 schools taken to support legal abortion”), available at:

consequence of this was the serious manipulation of young minds by deception with unrealistic figures and misinformation of what an abortion really is and its implications at all levels —at a personal level, and also at the social and economic levels of a country.

The Argentine society was seriously affected by this debate, and it is not surprising that the depth of this rift will be very difficult to heal.

### **The voting in the Chamber of Deputies**

By all accounts, the deputies would be expected to reject the bill. However, after a session of more than 22 hours, two deputies drastically changed their vote on the issue<sup>17</sup>, allowing the necessary votes to its approval. On June 14, the bill received preliminary approval.

### **Pro-life strategies**

The pro-life sector, after losing the battle in the lower chamber, and with the pending voting in the Senate, had to work in a new agenda with three clear goals: unmasking actual promoters of the law, informing society about real implications of the bill, and showing that the vast majority of Argentinian people were against this bill. This last goal was the most impressive. Thousands of people participated in demonstrations showing that they were in favor of the two lives – mother and child. The streets become blue<sup>18</sup> in these massive demonstrations all over the country in an effort to make the world listen. We were sure that all the Latin American brothers would also raise their voices and take to the rest of the world the message of our beginning movement. This blue wave, or as some media called it, “the sleeping giant”, was raised throughout Latin America and make itself heard with a message: to “save the two lives”<sup>19</sup>.

### **The voting in the Senate**

Days before the voting, several senators announced they would vote against the bill, and as a result, the bill’s rejection by 38 senators would prevent the approval of the bill. Thus, in the early hours of Thursday, August 9, the bill in favor of abortion was rejected.

---

<https://www.lanacion.com.ar/2142939-hay-al-menos-11-colegios-tomados-por-alumnos-a-favor-del-aborto-legal>

<sup>17</sup> Legal abortion drivers managed to change the voting in the Chamber of Deputies by getting the votes of “undecided” deputies from La Pampa: <http://kontrainfo.com/banelco-verde-2018-el-gobierno-le-entrego-400-000-000-a-la-pampa-para-dar-vuelta-la-votacion-por-el-aborto/>

<sup>18</sup> Blue is the color adpted by pro life activist in Argentina. Clarín Journal: “Así nació el pañuelo celeste que identifica a quienes están en contra del aborto legal” (The begining of blue, the color that identifies who are against abortion). Available at: [https://www.clarin.com/sociedad/nacio-panuelo-celeste-identifica-aborto-legal\\_0\\_Sys4g150f.html](https://www.clarin.com/sociedad/nacio-panuelo-celeste-identifica-aborto-legal_0_Sys4g150f.html)

<sup>19</sup> Journal article about this issue: <https://www.actuall.com/criterio/vida/la-ola-celeste-se-desborda-e-inunda-america-latina/>

According to legislative procedures, the bill can no longer be dealt with until next year<sup>20</sup>. However, this has not stopped the abortion lobby's pressure. The day after the bill's rejection, all the media began to showcase maternal deaths due to abortion. Most of these cases were fabricated, and all of them were refuted<sup>21</sup>.

The struggle of the "Blue Movement" created in Argentina served as an initial spark for prolife activists in the rest of the Latin American countries, who are also enduring significant pressure to allow abortion, such as Brazil, Guatemala, and some states of Mexico, among others. It will be of vital importance to be active witnesses of the struggle to stop the pressure in the region and to build a culture of Life.

---

<sup>20</sup> Journal article: "*Sin sorpresas, el Senado rechazó el aborto legal y no se podrá volver a discutir hasta el año que viene*" ("Not a surprise on the Senate decision on abortion: the bill was rejected and it cannot be dealt with again till next year"), available on: <https://www.infobae.com/politica/2018/08/09/sin-sorpresas-el-senado-rechazo-la-ley-de-aborto-legal-y-la-iniciativa-no-se-podra-volver-a-discutir-hasta-el-ano-que-viene/>

<sup>21</sup> As days went by and after the burst of the so-called "flag cases", all of them were refuted and social and political tension were ended. These are some examples: 1) In Salta, a girl was said to be on a severe condition in the hospital as a result of a clandestine abortion (available on "*Una chica entró a terapia intensiva por un aborto clandestino y murió*" <https://goo.gl/WZ9rdn>); this fact was strongly denied by the hospital Director: <https://goo.gl/Weqddu>. 2) In Santiago del Estero, "*La historia de Liliana Herrera, la joven de 22 años y madre de dos hijos que murió tras un aborto clandestino*": <https://goo.gl/aX4cXb> ; an alleged death caused by abortion which was later denied by the Department of Health of that Province: <https://goo.gl/mkQP7r> . 3) "*Mendoza: una mujer lucha por su vida tras hacerse un aborto clandestino*". This case was used as witness in the Senators debate: Senator Sagasti told the story and declared that she knew the woman that had the abortion: <https://goo.gl/efKfsS>. This case was refuted by the patient: <https://goo.gl/iW4z72> . 4) "*Murió joven que estaba internada tras practicarse aborto clandestino*": <https://goo.gl/RdrF72>; case also refuted by the patient: <https://goo.gl/yEucby>.