

# From Feminist Extravagance to Citizen Demand: The Movement for Abortion Legalization in Uruguay\*

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## **Abstract**

This chapter illustrates the crucial, decades-long contribution of Uruguayan women's organizations to the emancipation of women. It does so by analyzing the political process leading to the recent legalization of abortion in Uruguay, as well as the multiple strategies resorted to by the women's movement to create a social consensus around women's rights –and sexual and reproductive rights- as belonging to the realm of human rights. The story of the struggle for the legalization of abortion in Uruguay also brings to the forefront the fragile nature of rights: as Uruguayan women's organizations have learned the hard way, rights should never be taken for granted. Steps backwards are always possible and emancipation is never complete; therefore, further action will always be required to secure rights as were as advance the enshrinement of new generations thereof.

**Keywords:** Uruguay, women's movement, civil society organizations, sexual and reproductive rights, abortion legalization.

## **Introduction**

The legalization of abortion has been under debate in Uruguay for over twenty-five years. Discussions have been especially intense since the turn of the century, and particularly since 2002, when a legalization bill was debated in and passed by the House of Representatives for the first time. Several attempts later, a legalization bill got full congressional approval in late 2008, only to be partially vetoed by the country's first left-wing president. As a similar bill was reintroduced two years later, congressional negotiations turned it into a washed-out decriminalization proposal that was eventually passed in late 2012. The latter left neither side happy: right after its approval, so-called pro-life groups started campaigning for the bill's revocation, while the women's movement found itself resisting a potential setback by defending a minimalist law that it had not wanted in the first place. This reversal attempt eventually failed as less than 10% of eligible voters (a much lower turnout than the required 25%) participated in the June 2013 popular consultation that called for a plebiscite on the issue.

This chapter focuses on the evolving struggle for women's rights in Uruguay. The story begins with the efforts of the women's movement to build itself as a political subject and forge lasting alliances with other social movements and civil society organizations (CSOs). As legalization of abortion requires legislative action, much of the story involves strategies –not just by the women's movement but also by its “pro-life”

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counter-movement- to introduce or oppose new legislation, and to influence the legislative process. Given the links between political representatives and public opinion, also relevant to the process are the contenders' efforts to shape the opinions of the citizenry -which have over time slowly moved towards decriminalization.

Our story shows how crucial the role played by the women's movement has been for the promotion of women emancipation in Uruguay. Its unfinished character, in turn, does nothing but emphasize the fact that emancipation is truly a neverending process involving numerous setbacks, upgrades, and challenges. The pages that follow explore the factors contributing to or hindering such emancipation, as well as the political actions and initiatives that have brought about these women's notorious achievements.

This research piece is based on data from primary and secondary sources. The initial twenty years of debate (1985-2005) were covered using information contained in academic publications and reports produced by governmental entities and social organizations. The more recent process was reconstructed with data obtained from the websites of newspapers, magazines and radio stations, as well as the web pages and Facebook profiles of the organizations and campaigns. Publications, brochures, declarations, videos and photos were also compiled. In addition, the discourse of the protagonists was reconstructed through press sources as well as in-depth interviews and informal conversations maintained with qualified informants, leaders and activists of the women's movement.<sup>1</sup>

## **The Uruguayan women's movement**

Since the beginning of the XX century, Uruguay stood out for its early legislation in the field of civil and social rights and its rapid processes of urban development, secularization and decrease in fertility rates, which had equalizing effects on the situation of women. Uruguayan women entered the labor market relatively early and in a few decades they were able to catch up with their male counterparts in the field of education. In sanitary terms, the life conditions of Uruguayan women were and still are comparatively good within Latin America.

The first women's organizations –founded in the early 1900s- were female workers' organizations mobilized by the demand for equal compensation for equal work and feminist organizations made up of women with higher education that demanded the right to vote (Lissidini 1996). Earlier still, Uruguayan women had participated within the workers' and anarchist movements: the Female Section of the Montevideo Federation of the International Workers' Association was founded in 1881. They also took active part in the struggles of teachers, who were for the most part women. In 1907 the first law legalizing divorce was passed; in 1910 the First International Congress of Feminists took place, and in 1911 the first Uruguayan feminist group was formed. Legislative progress regarding the education and work conditions for women was achieved during those

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<sup>1</sup> Anabel Cruz conducted the interviews and provided me with invaluable insight on the issues and people involved, for which I am gratefully indebted.

decades. In 1916, the National Council of Women was created, wherefrom the Uruguayan Alliance for Female Suffrage arose, which in turn published the magazine *Feminine Action*.

After almost two decades of organized action, a law was passed in 1932 allowing women to vote and be elected to public office. Uruguay thus became the second country in the region to recognize these rights, which were constitutionally enshrined. In 1937 the Democratic Women's Party was founded. The first women –two representatives and two senators- were elected into Congress in 1942. In 1946, as a result of an initiative presented by the first female legislators, the Law of Women's Civil Rights was passed, therefore recognizing equal legal capacities to men and women.

As the use of the birth-control pill became widespread, a “sexual revolution” started in the 1960s that supported the autonomy of women and completed the task of dissociating sexuality from reproduction. At the same time a process began of feminization of university ranks: these very women who gained educational spaces would very soon protagonize a true cultural revolution by entering leftist parties and movements, and even guerrilla organizations (Sapriza 2009). The 1970s, in turn, saw the massive entrance of women into the labor market, which entailed new discussions regarding the roles that had been traditionally assigned to women and the division of labor within the home.

Under the dictatorship (1973-1985) two markedly different periods can be distinguished in terms of levels of repression and the dynamism of civil society –and, within the latter, of the women's movements. During its early years –until approximately 1978- women's organizations remained sheltered in their traditional formats, were scarcely visible, and focused mostly on the development of cultural, sports, recreative and welfare spaces. Further on –and especially since the beginning of a very gradual political liberalization process in 1980- new social movements began to arise which focused, on one hand, on the satisfaction of subsistence needs; on the other, on the defense of human rights against state terrorism (Barreiro & Cruz 1988).

In sum, women's responses to state terrorism and socioeconomic deterioration propelled the emergence of an important social movement that Sapriza (2009: 65) describes as “structured by feminism”. The restoration of democracy brought a brief parenthesis of inaction, during which the illusion prevailed that democracy by itself would solve the problems that had given rise to women's organizations in the first place. Nevertheless, the women's movement soon gathered new momentum. In 1987 the Plenary of Mothers and Relatives of Defendants under Military Jurisdiction led a campaign to force a referendum on the Law of Expiration (*Ley de Caducidad*) that had granted impunity to those who had committed human rights violations under the dictatorship. On that same year twenty-four women's organizations were surveyed across the country, most of them very young. They formed an increasingly diversified movement that also included research institutes, professional associations, and women's groups within unions and political parties (Rodríguez Villamil, in Barreiro & Cruz 1988).

In the following years more organizations were created and new networks were formed, among them the Network of Women's Health of Uruguay (1988) and the Uruguayan Network Against Domestic Violence (1990). As a result, a new survey

conducted in 1991 detected almost a hundred of organizations, from grassroots groups to umbrella organizations (cf. *Mujeres Latinoamericanas en Cifras*).

However, democracy did not bring about instantaneous or dramatic changes in the institutional inclusion of women within the political system. In fact, although in the 1985 legislature a special parliamentary commission was created regarding the situation of women, and women's commissions were subsequently established within the main political parties, during the period 1985-1989 no female legislator was elected to the National Congress, and the few ones that ended up there as alternates did so for extremely brief periods (between ten days and a month). Nevertheless, some of those women did play relevant roles. Despite the slow quantitative change, important qualitative progress took place between the 1990s and the early 2000s. In 1992 the Network of Women Politicians was formed; on that same year the First National Meeting of Women in Political Positions was convened and the Feminist Space also started meeting. Finally, early in the 2000-2005 legislative period the Women's Bicameral Caucus was formed within Congress.

Surprisingly, still in 2005 the percentage of women in the House of Representatives was only 12% (IDEA 2005). The situation varied widely across parties: in fact, only the left-leaning Frente Amplio had experienced a continuously upward trend in female representation (Johnson, 2005). However, according to a 1997 national survey, a majority of Uruguayans favored a more balanced political representation (cf. *Mujeres Convencionales* 2009). Eventually a Law of Political Participation was passed in 2009, forcing parties to include in their electoral lists at least one female candidate for every three. A study on that year's primaries showed the prevalence of a minimalist application of the law; nevertheless, there was a significant increase in women's representation in party conventions, which averaged almost one third. This effect was more noticeable within the traditional parties, which had the lowest female participation rates (*Ibid.*).

Within the Executive branch, the first woman to (very briefly) head a Ministry - not surprisingly, that of Education- did so in 1968. In the 1980s and 1990s state institutions were created to work for the advance of women. These government units, however, endured the same fate of weakness of most of their numerous Latin American counterparts, as a result of their insufficient budgets and resources and their marginal position within the administrative structure of the state. By 2005 Uruguay had no female minister (IDEA 2005). As for the Judiciary, by the early 1990s there were still no women in the Supreme Court, and only 16% of the judges in the Courts of Appeals were women.

As of today, sexual and reproductive rights and gender equality are the main themes of the Uruguayan women's movement. The latter, in turn, has become a dense network of political, union, feminist and social development organizations, plus academic units and highly specialized research institutes -which, in addition, have been joined by LGBT (lesbian, gay, bisexual and transsexual) groups, their natural allies and spearheads of the struggle for the enshrinement of sexual rights within the framework of human rights. These organizations are articulated within national, regional and global networks and working groups. Among them stands out the National Monitoring Commission: Women for Democracy, Equality and Citizenship (CNS Women), a network -the widest in the country- that brings together some sixty feminist and women's organizations, founded in 1996 with the aim of promoting in Uruguay the fulfillment of the Plan of

Action drafted at the United Nations' Fourth World Conference on Women (Beijing, 1995). It articulates grassroots groups with more institutionalized organizations, both of the capital city and the interior provinces; and it has, according to its leaders, an "armored position" regarding the legalization of abortion.

Among its members are the Association of Prostitutes (AMEPU), the Association of Transvestites of Uruguay (ATRU), the Group Black Sheep (an LGBT organization founded in 2004), the Institute Woman and Society, the Gender and Family Network, and the organization Woman and Health in Uruguay (MYSU). The latter, a feminist NGO founded in 1996 and devoted to the promotion and defense of health and sexual and reproductive rights from a gender perspective, has been among the most active ones along the process that we analyze.

Last but not least, it is worth noting that since the 1990s –when the left was elected to the government of Montevideo- and even more so since 2005, when the Frente Amplio got its candidate elected as the president of Uruguay, new spaces of participation emerged while a number of services formerly (or newly) provided by the State were outsourced by means of agreements with CSOs. The women's movement has not been alien to the ensuing changes experienced by the Uruguayan civil society in its relationships with international cooperation institutions and the State. The former, indeed, had been active in the country since before its transition to democracy; during the 1990s, as their contributions started diminishing, they were increasingly replaced as a source of income by the State. A recent report (ICD et al. 2011) based on data from about a hundred Uruguayan CSOs shows that budgets range widely, and that some lack financial resources and operate exclusively on the basis of voluntary work, while others dispose of relatively substantial funds provided by the national and local governments, international cooperation organizations and institutions and, to a lesser degree, the private sector. Globally, CSOs receive 41.3% of their funding from the national government (for example, through the Ministry of Social Development), 7.4% from local governments, 29.2% from international cooperation institutions, and 9.1% from the private sector. Only 2.2% of their resources result from their members' contributions; donations from the general public, in turn, amount to just 0.9%. The citizenry, however, greatly contributes to the organizations through voluntary work. Indeed, 20% of the surveyed organizations survive exclusively on the efforts of volunteers, which account for 70% of all human resources used by Uruguayan CSOs.

### **The process towards legalization, 1985-2012**

Since 1938 the Uruguayan law imposes three to nine-year prison sentences to women consenting or performing an abortion on themselves, and sentences running from six to twenty-four months to those helping a woman get an abortion (except in cases of rape, or when it is necessary to save the woman's life, or for reason of extreme poverty). These exceptions are rarely invoked because the article that spells them out has never been regulated; therefore, there are no mechanisms that could be used to obtain a legal abortion. In practice, punishments are also rarely applied; however, antiabortion organizations actively seek a more punitive approach, and during the past decade

prosecutions for unlawful termination of pregnancies have averaged one per month, a number that exceeds that of many other crimes. In addition, the penal system is highly selective, involving mostly women who lack the means to get safe abortions.

According to Sanseviero, Rostagnol, Guchin and Migliónico (2003), 55,000 live births and 33,000 abortions take place every year in this country of little more than 3 million. According to NGOs sources, the actual number of abortions might be twice as high. It is no surprise that Uruguay has been discussing alternatives to clandestine abortions for over twenty-five years: since 1985, when the dictatorship came to an end, about a dozen decriminalization projects have been drafted. However, only a few were even discussed in congressional committees, and even fewer were eventually debated in the House or the Senate.

Until the late 1980s the decriminalization of abortion was demanded almost exclusively by feminist organizations, which were not yet recognized as legitimate stakeholders nor able to set the public debate agenda (cf. Johnson 2011). The public relevance of the issue increased since the early 1990s, just as the Fifth Feminist Meeting of Latin America and the Caribbean declared September 28 as the International Day for the Decriminalization of Abortion in the region. In the following years the date was turned into the focus of a campaign led by women's organizations of more than twenty countries and by seven regional networks, grouped under the motto "Women decide, society respects, the State guarantees" (cf. MYSU 2007). As a result, the topic of sexual and reproductive rights became part of the public debate, capturing the attention of other actors beyond the feminist movement –such as the Medical Union of Uruguay (SMU)- and eventually widening the concept of human rights.

Indeed, as early as 1992 the SMU convened an international seminar on bioethics and legislation; and in 1993 a Bioethics Committee was created in the House of Representatives. At the same time three influential UN conferences took place: the World Conference on Human rights (Vienna, 1993), the International Conference on Population and Development (Cairo, 1994), and the Fourth World Conference on Women (Beijing, 1995). These events had institutional aftereffects in Uruguay, that in 1996 began implementing sexual and reproductive health programs from a gender perspective and with a focus on the expansion of rights (López Gómez & Abracinskas 2009).

The process of public debate hastened in the 2000s, within the context of an economic crisis that provoked a steep increase in the number of abortions performed in high-risk conditions, which therefore became the first cause of maternal mortality in the country's main public maternity hospital. Health professionals reacted strongly to this situation, which resulted in the foundation of a group -Sanitary Initiatives- against abortions provoked in high-risk conditions, and eventually in pronouncements in favor of decriminalization. Delivered from the sites of respected medical knowledge, these had a strong legitimation effect on the discourse of the feminist and women's movement.

As a result of the initiative of a set of feminist organizations, a National Coordination of Organizations for the Defense of Reproductive Health was formed in 2002. This network also included a variety of women's organizations, trade unions, neighborhood, professional, human rights, youth and sexual diversity organizations, advocacy groups for people of African descent, and even religious associations. In

September 2002 an initiative was drafted for a Law of Defense of Sexual and Reproductive Health, which made it compulsory for the state to provide sexual education, as well as services of reproductive health, family planning and contraception. It also declared the right of every woman to “make a decision regarding the interruption of her pregnancy during its first twelve weeks.” Under the administration of Jorge Batlle (Partido Colorado) –who had already announced to Pope John Paul II that he would veto it if it were passed by Congress- the initiative received half congressional sanction in December 2002. In April 2004, while the bill was being discussed in the Senate, the SMU publicly supported it. The National Coordination developed a strong campaign to “give a hand” to legislators; the ensuing social debate ended up yielding a 63% citizen support for decriminalization. In turn, those opposed to the initiative -led by the hierarchy of the Catholic Church- conducted an intense campaign including appeals to the senators’ “Christian morals.” Eventually, in the midst of the presidential campaign the initiative was defeated in the Senate.

After this hard blow, pro-legalization activism expected that the imminent Frente Amplio presidential victory would shift the situation. But optimism did not last: even before taking office, president-elect Tabaré Vázquez announced that, due to his personal convictions, he would veto any law decriminalizing abortion. In spite of the president’s opposition, in mid-2006 some Frente Amplio senators introduced a new decriminalization initiative, which was passed by the Senate in late 2007 and by the House of Representatives a year later. However, the intense activism deployed in the hope of avoiding the announced presidential veto was fruitless. The president’s partial veto remained firm, as the supporters of the law could not reach the special majority of the votes required to overturn it.

The bill could only be reintroduced during the following legislature, that is, in or after 2010. Subsequently, the movement’s goal was to force the issue into the center stage of the 2009 electoral campaign. This time the Frente Amplio had included the issue into its program, and from its primaries emerged a presidential formula made up of José Mujica and Danilo Astori, both of whom had, as senators, voted in favor of the bill.

The Frente Amplio won the presidency in a runoff election and obtained majorities in both houses of Congress. Soon after, two bills –one advocating legalization; one favoring decriminalization- were introduced. Throughout 2010, however, debate focused on the preparation of the five-year budget, and the issue was only tackled again in mid-2011. The joint project that was eventually drafted –entitled Voluntary Interruption of Pregnancy Bill and advocated by two female *frenteamplista* senators- only began to be discussed in the Senate Health Committee in early November 2011. The usual round of consultations with experts, in turn, ended by mid-December, after which the committee approved the project and scheduled a special post-Christmas session for the Chamber to vote on it. On December 27 the bill was passed with seventeen votes for and fourteen against. The conclusion of the process remained pending through the summer recess: the bill entered the House of Representatives in February 2012, where it was subject to intricate negotiations and substantial modifications. Due to the reluctance of some of its own representatives, the Frente Amplio did not have enough votes to get it passed. The demand that party discipline be enforced did not prosper; as a consequence, it was eventually decided to work on an alternative decriminalization proposal put

forward by an Independent legislator. The resulting bill kept defining abortion as a crime –one whose legal consequences were suppressed under certain circumstances- and imposed a number of conditions on women who (within the first 12 weeks of pregnancy) wanted to have an abortion. Among them was the obligation of attending a consultation with an interdisciplinary team of specialists, followed by a compulsory five-day “reflection period.” It also included a conscientious objection clause for health professionals and an exemption from performing the procedure for those institutions whose ideas were contrary to it (which should instead provide referrals to other institutions). This stipulation of what was deemed an “inquisitory tribunal” was rejected as humiliating, condescending and disrespectful of women’s autonomy. Following tough negotiations, the requisite of the presence of a conscientious objector was eliminated; however, the consultation and the waiting period remained mandatory, and definitions stayed in place that removed abortion from the field of rights. Legalization -that is, the recognition of abortion as an enforceable right- gave way to decriminalization -that is, the elimination of the criminal consequences derived from committing an act that was still considered a crime.

In September the initiative was approved first by a special congressional committee and then, after a close vote, by the House. Following a favorable vote in its Health Committee, the Senate soon turned it into law. Just hours later –even before the president had signed it- at least two initiatives had been launched to have it revoked.

Throughout the process all parties (including the Frente Amplio, even after legalization became part of its program) experienced divisions or at least some dissidence. Bills were always presented as individual rather than institutional initiatives even when, as it occurred in some cases, all signatories belonged to the same party. Rather than reflecting a conflict between the executive and legislative branches of government, Vázquez’s veto revealed a division within a ruling party that had a congressional majority. Similar divisions existed in the other parties.

### **Movement and countermovement: the two faces of civil society**

Far from being homogeneous, civil societies typically contain diverse and even antagonistic expressions –such as, in our case, organized movements both in favor and against the legalization of abortion. On one side there is a conglomerate headed by feminist and women’s rights organizations that cuts across Uruguayan society; on the other, a movement led by high-ranking Catholic Church officials and some evangelical pastors, in addition to religious groups within academic, political and labor union settings.<sup>2</sup>

Regarding religion, it is worth noting that the Uruguayan society has long been highly secularized, and it is probably the one with the lowest proportion of baptized catholics in Latin America. The prevalence of Catholicism is also threatened by the growth of other Christian –mostly evangelical- churches in the country. Still, the Catholic

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<sup>2</sup> Although the highest ranks of most (but not all) churches opposed the legalization of abortion, there were dissident voices within all of them.



Church remains a powerful institutional, trans-national force with considerable influence over public policy –or, rather, over the limits of progressive public policy as sought by women’s and LGBT movements, among others.

The two major expressions of civil society sketched above are not equivalent. While the pro-legalization movement focuses on changing a negatively evaluated situation, the countermovement simply reacts to it with the aim of preserving the status quo. Whereas the former is internally diverse and focused on sexual and reproductive rights and gender equality, the latter is more homogeneous, predominantly religious, and has an agenda encompassing a much wider range of issues. While the legalization movement includes autonomous organizations and consolidated networks with a long history of work related to health and women’s rights issues, the countermovement contains both weak ad hoc organizations as well as well-known and high-ranking personalities expressing the views of and backed by Catholic Church.

While women are the main protagonists of the pro-legalization movement, leaderships in the countermovement are overwhelmingly male. Strategies also differ significantly: both groups have resorted to lobbying, public campaigns, street demonstrations and protests; however, prominent individuals from the countermovement also resorted to metaphysical terror and threats (such as that of excommunication, destined to Catholic legislators), while the legalization movement relied more heavily on an informational strategy. Indeed, the latter stood out for its prolific production of research and publications, while these materials were practically absent on other side (with the exception of a few texts produced by Catholic institutions, focused on the bioethical dimension and controversially presented as “scientific”). Consequently, the emphasis by the movement on public debate strongly contrasts with the countermovement’s use of weapons aimed at disciplining the faithful rather than convincing the wider citizenry through rational argumentation.

The public debate advocated and staged by the women’s movement was articulated in the language of rights, which allowed for the productive convergence of two perspectives. One of them was the classic feminist discourse that put in the foreground the right of women to make decisions regarding their own bodies, thus placing the abortion issue within the realm of civil rights. The other one was the discourse of the left that underscored social inequalities regarding access to safe abortions and, therefore, placed the right to abortion (along with its delivery by the public health care system) within the framework of the widening of social rights. The main leaders of the pro-legalization movement synthesized both perspectives by asserting the autonomy of all women, including the poorest ones, to make decisions regarding their own bodies, their lives and the composition of their families. This synthesis was the foundation for the movement’s alliances with other social movements that shared their quest for a more radical democracy.

### **Organizations, leaders and alliances**

From 2002 onwards, the newly established National Coordination of

Organizations for the Defense of Reproductive Health led the legalization movement. Its spokespersons included the leaders of various organizations and networks such as Lilián Abracinskas, Lilián Celiberti, and Milka Sorribas. All of them, as well as others with less public exposure, had been activists for years and decades. Many had brought into the movement a variety of experiences gained in past activism: typically, an activism in leftist movements that had included jail time, torture and exile under the dictatorship.

Within the political system, the main ally of the women's movement was socialist senator Mónica Xavier, a physician by profession, also elected to lead the Frente Amplio in 2012. Other women, also Frente Amplio party members, were active in the House and the Senate at various steps of the process. Although they obviously ended up gathering the support of numerous male colleagues, the bills under discussion were most often authored by women, and women were over-represented both in the signatures and the affirmative votes of the bills compared to their rates of participation in Congress and in their own party factions (cf. Jones 2007). Hence the insistence of the women's movement on the relevance of female political representation, which –they pointed out- would have resulted in the legalization of abortion had it reached a higher threshold. The image of a mostly male political class and Congress legislating on (and against) the rights of women was placed at the forefront by the slogan that accompanied the painted naked bodies performance staged in the gardens of the Legislative Palace while a very limited decriminalization proposal was being debated inside: “While they (men) set the conditions, we (women) put our bodies on the line.”

In the absence of a critical mass of female legislative representation, the leadership –the “critical actions” (cf. Dahlerup 1988; Childs & Krook 2008, 2009)- of a few female legislators was key in the process. In close contact with the social movement in which they themselves participated, these women wrote and introduced parliamentary initiatives, argued vehemently, and patiently built alliances. The significance of the presence of women with a gender agenda in key places was apparent beyond the Legislative Branch: for example, when the newly appointed female president of the Supreme Court (the first woman in seventeen years) declared herself to be in favor of legalizing abortion (*EE*, 01/25/07).

Although the pro-legalization movement included many men, its main leaders and activists in all fields were women. In contrast, while the marches and protests by the Pro Life National Coordinating Council did include women, its leaders (as well as those of its member organizations) were mostly men. Among them stood out the archbishop of Montevideo, Nicolás Cotugno, and the bishops that made up the Episcopal Conference; as well as a tele-evangelist pastor and a few Partido Nacional legislators.

The number of players involved in the legalization movement increased as public opinion leaned towards legalization. The first perceptible change took place in medical discourse, when a group of renowned professors, researchers and medical doctors founded the Sanitary Initiatives group as a reaction to the increase in mortality due to unsafe abortions. Three years later, this led to the implementation by the Ministry of Public Health of a set of guidelines stating that, although abortion was not legal, a woman who wished to end her pregnancy would receive advice and support to prevent an unsafe abortion, as well as immediate post-abortion care to prevent complications. From then on, the physicians' organizations focused on monitoring the guidelines' implementation and

insisted their opinion be taken into account regarding the technical component of any proposed bill regulating abortion.

An inflection point occurred in 2004, when not only a new official discourse regarding abortion became apparent, but also the first explicit, favorable pronouncement took place on Labor Day by Workers' Confederation (PIT-CNT). This position was repeatedly voiced in the following years; later on, labor leaders also testified in parliamentary commissions and attended events organized by the women's movement. Also in 2004 support for legalization was first expressed by the main public university and by national student organizations. From then on, the Universidad de la República produced copious research (which was presented in widely publicized public events) backing the movement's arguments and was the site for numerous informational events and public debates. In turn, in addition to participating in public demonstrations, students institutionally supported legalization through the Federation of University Students of Uruguay (FEUU).

### **Repertoire of actions and campaigns**

Since 2002 the pro-legalization movement used an orange-colored hand as a symbol of its efforts, initially with the slogan "I vote for reproductive health." Its repertoire has included a large variety of actions of mobilization, denunciation, creation and dissemination of information, awareness and incidence. These included the production and distribution (in print and electronically) of books, sexual and reproductive health booklets and brochures contributing to the debate; the publication of open letters to the citizenry; the organization of and participation in seminars, forums and workshops with human rights specialists, representatives of political parties and unions, international experts and local academics; the development of campaigns on websites and in the social networks; participation in media debates, particularly on television; the promotion of street debates; the design and implementation of actions directed to legislators, including lobbying, the release of public declarations, meeting with likeminded legislators, the provision of input for parliamentary debate, attendance to and participation in parliamentary committees, and the presence of activists during sessions both in the vicinity of the Legislative Palace and in the chambers' balconies; the development of "urban interventions", public performances and various "creative protests"; as well as more traditional actions such as signature collections and the street distribution of flyers.

A variety of campaigns were held within this framework. They all had two clear targets: the citizenry and parliamentary representatives. The slogan used in 2006 - "Citizen campaign for legal change"- grasped these two aspects well. Change had to come about through Congress; however, according to polls legislators were less liberal than their voters (yet more so than their religious leaders). At the same time, legislators were cautious so as not to risk their constituencies' votes. Therefore, the pro-legalization movement worked on two fronts: on one hand, it informed the citizenry and presented them with arguments aimed at creating a social demand around the issue, while documenting its advances in the field of public opinion through the administration of opinion polls, the results of which were disseminated with the aim of forcing legislators

to “respect the majoritarian will of the citizenry.” On the second front, intense one-on-one work was done with legislators in an attempt to obtain their votes.

Not all campaigns were launched by the Coordination; some were promoted by autonomous groups of activists linked through the social networks. For example, in June 2007 an Internet campaign was organized to protest the arrest of a young woman who had gone to a public hospital to seek care for complications resulting from a clandestine abortion. A statement signed by thousands of people including both well-known individuals and anonymous citizens read: “the undersigned have broken Law 9763 of 1938 [...] by having or paying for an abortion, by accompanying a woman to have an abortion or by knowing the identity of many such women and keeping silent. Either we are all criminals or the law is unfair” (*P/12*, 06/17/07). Also the Facebook campaign “No one else stays silent” asked participants to post a personal photo expressing their support for the bill (*LR*, 05/20/12).

Major institutional campaigns included “I vote for,” featuring an orange-colored hand raised to vote for the Sexual and Reproductive Health Law and, since 2009, “These are your rights, assert them (the decisions regarding your body, your health and your life are yours)” and “Your sexual and reproductive rights count.” After Mujica’s inauguration, a new campaign was launched entitled “Yes to the law - Legal abortion 2010” that continued throughout the following years with the slogan “Legal abortion-Uruguay. These are your rights, assert them.” Lastly, when the bill was stalled due to the reluctance of two Frente Amplio representatives, the movement insisted with the slogan “The time is now.”

The latest campaign radically altered the framing of the movement’s demand. Since 2009, the portion of the bill that former president Tabaré Vázquez had not vetoed established a set of sexual and reproductive rights. Thus the original campaign, centered on the recognition of such rights, gave way to the new Campaign for Legal Abortion. This was the first time that the movement directly mentioned abortion (and demanded that it be made legal, no less). Leaders and activists alike refer to this change as a monumental success: after intense internal debate, euphemisms had finally been left aside. However, it also meant a rift with a number of organizations that preferred the broader and less offensive reproductive rights slogan. The composition of the movement coordination –renamed Coordination for Legal Abortion- therefore changed.

The Coordination’s members -social, trade union, student, feminist, women’s, human rights and LGBT organizations- performed a large number of urban interventions revolving around the campaign’s main themes, such as the following. In October 2009, about twenty women walked through downtown Montevideo with their torsos exposed and painted to claim rights over their own bodies. With the slogan “While they set the conditions, we put our bodies on the line,” a similar performance was staged next to the Congress building in September 2012 so as to express dissatisfaction with the decriminalization initiative that was being debated in the House. In August 2011, in turn, an intervention entitled “What else is there to see?” was launched. Signs were placed on giant glasses with arguments supporting legalization that read: “Let’s look at the reality”; “More than 60% of the population is in favor of legalizing abortion”; “30,000 clandestine abortions per year, no one sees them but they exist” (*LD*, 08/29/11). Also worth mentioning are the so-called “orange dusks,” which consisted in decorating with the

movement's color the areas surrounding the National Congress and other landmarks. Numerous TV spots complemented these street actions and were widely viewed on the Internet.

Throughout the process, actions intensified on select dates belonging to either the electoral and legislative calendars (or in reaction to decisive events, such as the signing of the presidential veto), or to the calendar of the movement and its allies, which included iconic dates such as International Women's Day (March 8), International Workers' Day (May 1<sup>st</sup>), the International Day of Action for Women's Health (May 28), and the International Day of Struggle for the Decriminalization of Abortion in Latin America and the Caribbean (September 28). The countermovement also commemorated its own anniversaries, such as March 25, Day of the Unborn Child; however, its main political expressions emerged from the Christmas and Easter messages delivered by the Episcopal Conference as well as from Sunday sermons and other public interventions of bishops and priests.

### **Regional and international linkages and networks**

The international dimension is an inescapable reference for the women's movement, whose leaders frequently emphasize that abortion is legal in the "developed world" and refer to statistics from those countries in order to show that the consequences of legal change do not look anything like the "apocalypse" that their adversaries warn about. The pro-legalization movement also has a regional dimension. First and foremost, there is the conviction that change on these issues cannot be sustained in one country alone; therefore, progress in neighboring countries is viewed as a sign of hope for one's own. Besides, regular exchanges of experiences and cross participation of civil society and parliamentary leaders of other countries in the region within each national debate are considered to be of the utmost importance. Grassroots expressions of transnational support –such as demonstrations at Uruguayan embassies abroad- have also taken place.

Similar links –somewhat more informal but possibly more intense- can be observed for the countermovement. These links are not restricted to the transnational actions of its main engine, the Catholic Church, or of the successive Republican administrations that sought to prevent US cooperation funds from being used for policies promoting contraception, the prevention of sexually transmitted diseases, and abortion care (cf. Abracinkas & López Gómez, 2007). The alliance of the Uruguayan movement with conservative pro-life sectors in the United States has even included an attempt by the latter to directly influence the Uruguayan legislative process (cf. Johnson, 2011: 208). Integration within a regional movement also brought about frequent visits of other Latin American pro-life activists –whose discourse, however, did nothing but denounce the "foreign" character of the pro-legalization movement and its subordination to the plans of international foundations and organizations that view "world population growth as a security problem" (cf. *EP*, 12/1/11; 12/16/11).

### **Culture wars and the political battle for public opinion**

In Uruguay as in the rest of the world, abortion is at the center of an authentic “culture war” (Hunter 1994). The debate that arose from it was highly asymmetrical, as it appealed to references of legitimacy as disparate as science, religion, and human rights. In addition, the contenders rarely appeared to be truly speaking to one another but, rather, addressing a specific, separate audience of their own.

Nevertheless, along the process a more substantial debate increasingly made its way into society, promoted in great measure by the women’s movement’s informational efforts. Discussion took place not only on the media but also in the context of everyday interactions, both real and virtual, and within social and labor organizations and academic institutions -and eventually within the political system as well. As a result of each controversy it elicited within every setting, the women’s movement successfully informed and involved the citizenry, which slowly moved towards decriminalization.

As a divisive issue, abortion has a peculiarity: every citizen seems to have a clear-cut opinion about it, and changes of mind are not likely to occur (Bottinelli & Buquet, 2010). According to data from Latinobarómetro (2007), Uruguay is the Latin American country where abortion is most widely accepted (41%, compared to an average of 21% for the region). In almost all socio-demographic segments, decriminalization was embraced by a majority of Uruguayan citizens ever since the issue was included in opinion polls. The preferences expressed by those against, however, seem to have been more intense, which has had a strong impact on political and partisan dynamics.

According to Factum, a Uruguayan public opinion research firm, support for legalization/decriminalization has ranged between 55 and 63%, with its highest point in 2003-2004 and its lowest in 1993 (when the first poll was taken); while opposition to it has ranged from 27% (2006, 2007) to 38% (1993, 1997, 2000) (Ibid.). Favorable positions began to increase markedly around 2002 (Selios 2007). A 2004 study by MORI consultants yielded a 63% support for a law including sex education, access to contraceptives the right to abortion; 57% wanted these issues to be discussed upon during the electoral campaign and 61% expected political parties to set positions on them.<sup>3</sup> A later survey by Cifra public opinion researchers, released in May 2012, showed a 51% support for decriminalization and a 37% opposition to it.<sup>4</sup> Other studies indicate that approval is higher among those with greater information, and that it is positively correlated with education and socio-economic levels and negatively correlated with religiousness. They also register a broad pro-legalization majority among Frente Amplio and Partido Colorado voters and a relative parity of opinions among supporters of the Partido Nacional (Rossi & Triunfo 2010; cf. also *LD*, 04/26/12).

At least since 2004, when a social majority in favor of legalization seemed to consolidate, survey results have been used as a political weapon. The social movement repeatedly invoked the will of the citizenry as expressed in opinion polls so as to urge legislators and even the president to do their jobs as representatives.

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<sup>3</sup> Cf. <http://www.chasque.net/frontpage/aborto/01noti043.htm>.

<sup>4</sup> Cf. <http://www.cifra.com.uy/novedades.php?idNoticia=166>.

## Conclusions

To date, the legalization of abortion has long ceased to be a demand posed by a handful of extravagant feminists in order to become a policy change demanded by a majority of Uruguayan citizens. Initially promoted by a few isolated groups, it is nowadays embraced by a broad coalition of social, trade union, youth, student, Afro-descendent and sexual diversity organizations. Far from its origins as a simple “women’s thing” belonging to the private sphere, abortion has become a social issue, a concern for both men and women and a legitimate object of public policy.

This change must be understood in the context of the democratic post-transition as well as within the broader framework of the emergence of new sets of rights –in particular, those of reproductive rights since the early 1990s and of sexual rights since the 2000s. Five components of this process are especially noteworthy. The first is the centrality of the articulation between feminist organizations and popular women’s organizations -the same one that later enabled their coming together with other social movements. These linkages produced a synthesis between, on the one hand, the classic feminist discourse of women’s autonomy and their right to decide regarding their own bodies, and on the other, the discourse of the left, focused on social inequality and the resulting discrimination regarding access to resources -safe abortions, in this case.

Second, a slow but decisive evolution became apparent from the concept of reproductive rights to the broader notion of sexual rights –both of them components of the so-called “sexual citizenship” (Di Marco 2010). This demand for full sexual citizenship is as much a demand for civil rights (to the extent that it involves the recognition and provision of guarantees for the exercise of individual autonomy) as it is for social rights, since it assumes that these rights should be provided for through the public health system. It was under this umbrella that the women’s and sexual diversity movements converged. This natural alliance was only made stronger by the unified attacks received from their common Christian fundamentalist enemy.

Third, the movement under study is evidently not a mass movement (nor is its countermovement, for that matter). Rather, it is a movement of activists that has been able to summon mobilizations of a few hundred people at most. Therefore, the reasons for its effectiveness should not be searched for in the numbers brought out to the public square, but rather in the depth of the transformations introduced in the prevailing common sense of Uruguayan citizens and, as a result, in the expressions of the so-called “public opinion.” These changes can be credited in large measure to the intense informational campaigns and the efforts at promoting public debate that were carried out by the women’s movement for decades.

Fourth, the asymmetry of the public arguments displayed for and against the legalization of abortion is striking and effectively meets all requirements to be considered part of a cultural war: a dispute over the authority to name, interpret and regulate social life. The reason why these arguments rarely meet each other and result in a true debate is that they are formulated at different levels. On one hand, the question is raised as a “moral problem;” therefore, what needs to be decided upon is whether abortion is “good” or “bad.” Once defined as bad, there is no question that the power of the state should be

used to enforce its prohibition. Accompanied by a virulent aesthetic that includes the waving of crucifixes and the sensationalist exhibition of (not necessarily authentic) images of aborted fetuses, the pro-life discourse does not lack in scientific fallacies, low blows and questionable analogies; in fact, it does not even stop short of the dissemination of false information. On the other side of the divide, the question is raised as a political issue: within the framework of the recognition of the polytheism of values that is the hallmark of modern society, no serious attempt is made to present a compelling argument against the religious convictions of evangelicals and catholics; instead, arguments are advanced in favor of a solution consisting of relegating these convictions (as well as their own) to the plural scene of social life, while setting up the state as the protector of the right of every person to lead a life in accordance with their own values.

Finally, the complex links between the social movement and the political system bring to the forefront the problem of political representation. Abortion seems to be a unique issue in its aptitude to open gaps between representatives and citizens, inasmuch as it allows the former to invoke reasons of conscience so as not to fulfill their promises to the latter –the very promises that raised them as representatives in the first place. It also seems to be an issue regarding which the implementation of gender representation quotas could produce huge differences in outcomes.

In a context of very limited female representation and a major disconnection between the preferences of a majority of citizens and the positions expressed by their elected representatives, the law passed in late 2012 has not left anybody happy. While pro-lifers have readily mobilized to restore the prohibition, the women's movement struggles to keep in place a law that it deems insufficient and even insulting, inasmuch as it withholds the recognition that women are equal beings not in need of tutelage. Activism and mobilization remain as the staple of democratic politics because, as Mónica Xavier lucidly observes, "rights are never secured once and for all" (LR, 05/13/12).

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## **Other websites**

Campaña por los Derechos Sexuales y Reproductivos (<https://www.facebook.com/abortolegal>)

CNS Mujeres (<http://www.cnsmujeres.org.uy/>)

Colectivo Ovejas Negras (<http://www.ovejasnegras.org/>)

Hacelos Valer (<http://www.hacelosvaler.org>)

Latinobarómetro (<http://www.latinobarometro.org>)

Mujeres Latinoamericanas en Cifras (<http://www.eurosur.org/FLACSO/mujeres/>)

Mujer y Salud en Uruguay (<http://www.mysu.org.uy/>)