Mobilizing for Abortion Rights in Latin America

1 The Battle Over Abortion Rights in Latin America

Early on the morning of December 30, 2020, thousands of Argentine women gathered in front of the National Congress building in Buenos Aires, anxiously awaiting the results of a Senate vote that was years in the making. After rejecting a similar bill in 2018, the Senate was debating another bill that would legalize abortion during the first fourteen weeks of pregnancy. If the bill passed, Argentina would become the largest Latin American country to legalize abortion in the most Catholic region in the world. Around 1:00 a.m., a big screen facing the multitude of women clad in green handkerchiefs revealed the final vote tally. Abortion was law in Argentina. Tens of thousands of women in the plaza, and in plazas like it across the country, rejoiced.

The groundswell of women in the Plaza del Congreso was nothing new, Beginning with the mass mobilization that occurred following the murder of Chiara Páez in 2015 – which birthed a social movement against gender violence that would become known as Ni Una Menos (“Not One [Woman] Less”; NUM). Páez was fourteen years old and three months pregnant when her boyfriend killed and buried her in his grandparents’ backyard. The NUM movement spread across the region making feminist mobilization a way of life in Argentina. Within a year of its emergence, NUM had adopted abortion rights as a part of its set of claims, and an abortion rights campaign was born. “Without legal abortion, there is no ‘ni una menos,’” read the manifesto on the NUM website. By 2017, the long-taboo subject of women’s reproductive rights had made its way into the mainstream, a topic of debate at high schools and universities, cafes, and on nightly talk shows that reached millions of Argentines at their dinner tables.

What is puzzling about the push for abortion rights in Argentina is that few could have predicted it, given common explanations of abortion rights expansion. Research indicates that countries will experience changes in abortion policy when they are governed by a leftist party or governing coalition (Blofield and Ewig 2017), when the issue is supported by a majority of citizens (i.e., there are widespread shifts in public opinion) and when the society becomes more secular over the course of time (Wood et al. 2016). The growing mobilization by feminist activists and initial 2018 bill that passed in the Chamber of Deputies before failing in the Senate occurred during the government of conservative President Mauricio Macri, who opposed legalization. Furthermore, there was no obvious shift in terms of public opinion regarding abortion in the years leading up to the debate, and Argentines actually reported higher levels of religiosity in 2017 than a decade prior (AmericasBarometer 2017).

What had changed was the presence of tens of thousands of Argentine women in the streets, initially to protest against gender violence, and then to
claim control over their own bodies in the face of mounting hospitalizations and deaths as a result of unsafe, clandestine abortions.

Sidney Tarrow defines social movements as “collective challenges, based on common purposes and social solidarities, in sustained interaction with elites, opponents, and authorities” (1994: 4). In Argentina, a budding abortion rights social movement framed the issue as inseparable from economic inequality. Prohibition had not stopped women from seeking abortions – rather it forced poor women without the resources to seek out reputable health care providers to abort in unsafe conditions. Instead of grounding their claims in philosophical or theological arguments about the origins of life and the viability of the fetus or the right to privacy, activists framed abortion as a question of social justice and public health. “The rich abort, the poor die,” said the posters at rallies. In the most unequal region of the world, the proabortion movement tapped into a resonant vein of social movement discourse.

The Argentine experience buoyed the spirits of reproductive rights advocates across the region, who doubled down on their efforts to reform abortion laws in their countries. Similar to NUM, which spread like wildfire in Latin America, proabortion activists in Brazil, Chile, and Mexico co-opted the green “pañuelo” (handkerchief) made famous by the Argentine movement. In Colombia and Mexico, abortion rights movements won massive victories in the Supreme Court, following different paths to decriminalization than the legislative avenue that worked in Argentina and Uruguay. At the same time, other Latin American countries experienced a backlash. In countries like El Salvador and Nicaragua, conservative parties collaborated with the Catholic Church and a growing Evangelical movement to pressure governments to maintain restrictions on abortion access, and even make the laws on the books more punitive.

Why did Argentina legalize abortion when it did? And what explains the diverging trajectories in terms of reproductive rights that we observe across the region? This Element in the Cambridge Elements Series in Contentious Politics examines the crucial role that social movements and mass mobilization play in the fight over abortion rights in Latin America.

1.1 Shifting Tides in Reproductive Rights

The past decade has seen sweeping changes in terms of reproductive rights in Latin America – a region once thought to be the unlikeliest of places for such a social transformation to occur. Latin America is the heart of modern Catholicism, and throughout the twentieth century lagged behind European and North American democracies on social issues like divorce and reproductive justice. The taboo nature of abortion and contraception made reform unlikely,
even as millions of clandestine abortions continued to occur, many of which were performed in dangerous conditions (Kulczycki 2011).

As Latin American democracies consolidated in the 1990s, legislatures have revisited abortion laws and, in some cases, loosened restrictions to allow abortion in cases of rape or risk to the mother’s life (Blofield and Ewig 2017).

From 1999 to 2016, eight Latin American countries in total revised abortion laws, though elective abortion was mostly off the table. Yet it was apparent that abortion had lost its taboo status, and further changes might be on the horizon. As Kulczycki noted in 2011, “Conflict over how abortion should be managed, and particularly over its legal availability, is likely to be more difficult to contain as societies become more open and women gain greater choices and more influence. Awareness of the public health risks stemming from restrictive laws continues to grow” (2011: 215). By 2014, majorities believed that abortion was justified when the mother’s health was at risk in most Latin American countries, according to survey data from the Latin American Public Opinion Project (Figure 1).

Uruguay, spurred by widespread feminist mobilization and a strong left party in the Frente Amplio (Broad Front), became the first Latin American democracy

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1 This measure of abortion support is drawn from an item included in the AmericasBarometer surveys, which asks individuals whether abortion is justified when the mother’s health is at risk (0 = “no,” 1 = “yes, it is justified”). We follow prior work on the topic in labeling this variable “abortion justification” (Cohen and Evans 2018).
to legalize elective abortion in 2012 (Fernández Anderson 2017). Argentina followed suit nearly a decade later. Supreme Courts in Colombia and Mexico have ruled in favor of legalizing abortion, though legal challenges loom on the horizon. Abortion is one of the most pressing political issues in Latin America today, and the landscape with respect to reproductive rights is in constant flux; while numerous countries have liberalized abortion restrictions in recent years (e.g., Argentina, Chile, Mexico, and Uruguay), others have passed punitive laws that entrench its criminalization (e.g., Dominican Republic, El Salvador, and Nicaragua). In Colombia, elective abortion is now legal up to twenty-four weeks. In El Salvador, Honduras, and Nicaragua, abortion is even banned in cases of rape and incest. Meanwhile, widespread mobilization on both sides continues unabated.

1.2 Existing Explanations of Abortion Politics in Latin America

Studies of reproductive rights have highlighted the decline of organized religion, shifts in public opinion, the strength of progressive political parties, feminist mobilization, and other institutional factors as necessary conditions for abortion legalization. Without an increasingly secular society, supportive public opinion, leftist governments, strong feminist movements, progressive courts, activists, politicians, and public health officials, liberalization of abortion laws would seem unlikely.2

1.2.1 Secularization

A decline in religiosity – measured below as the importance of religion in people’s lives – has been theorized to presage the push for abortion legalization. In Latin America, the power of institutionalized Christianity is the most significant antiabortion force. The Church defends the right to life from conception and envisions abortion as murder. Activists and politicians who seek to legalize abortion are “fighting organized Christianity” (Corrales 2021: 2).3 And whereas some countries in the region observed an increase in the number of people who do not identify with any religion (Sommà et al. 2017), and the rise of “Light Catholicism” (Corrales 2021: 22), tolerance and acceptance for abortion have not significantly changed. The Church has publicly threatened to excommunicate those who support abortion legalization, a considerable threat in a region

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2 Abortion is legalized when it is not considered a crime. Abortion is decriminalized when it is not subject to prosecution under any circumstances during a period of time (usually during the first trimester). Liberalization should just imply that the conditions under which women can get abortions are expanded.

3 The original quote references both reproductive and LGBTQ rights.
where the majority, 83.7 percent of politicians, identify as Catholics (Alcántara and Rivas 2018; Fernández Anderson 2021).

Beyond the influential Catholic Church, the popular and ever-growing Evangelical movement in Latin America holds conservative views about reproductive and LGBTQ rights (Boas 2020; Corrales 2021). Hence, even when we observe changes in the way citizens identify religiously, the new alliance between Evangelicals and Catholics suggests that religion is a key variable in understanding abortion criminalization.

Explaining abortion decriminalization requires that we examine how and when political actors can confront and win a fight against one of the world’s oldest and most powerful institutions. For a long time, reproductive rights, and especially abortion, were not even publicly discussed as they were envisioned as issues that wasted votes (“pianta votos”) while antagonizing the powerful Catholic Church (Fernández Anderson 2021). Is it the decline of organized religion, or religiosity more broadly, that explains why abortion has suddenly become a wedge issue in Latin American politics?

While proabortion movements across the region have certainly challenged the cultural hegemony of the Catholic Church, there is some evidence that religiosity has actually increased across the region in recent years (Smith 2018; Daby and Moseley 2022). In 2013, Pope Francis became the head of the Catholic Church. As the first pope from the Americas born in Buenos Aires, Francis has a more tolerant and welcoming position for members of the LGBT community, but sustains traditional views of the Church about abortion. In Argentina, for example, 71 percent of citizens continue to identify as Catholic and over 90 percent have favorable views of the pope (Pew Research Center’s Religion & Public Life Project 2014). Moreover, it is unclear why a decline in the importance of religion would drive decriminalization in some contexts, and retraction in others.

Figure 2 presents results from an estimated ordinary least squares (OLS) regression model of abortion justification, drawing on survey data from fifteen countries in Latin America (AmericasBarometer 2014). The results illustrate the extent to which other individual-level variables correlate with abortion support. In these individual-level models of abortion justification, religiosity has a significant negative effect – in other words, the more religious one is, the less likely they are to support abortion rights. Another piece of evidence that also seems consistent with the secularization argument is that educational attainment is the strongest individual-level determinant of support for abortion rights, as highly educated individuals tend to be less religious (Casanova 2007; Figure 3). But these results tell us little about the distribution of religious and educated individuals, nor the motivations of politicians who have shifted course.
on reproductive rights. A decline in the importance of religion alone thus seems insufficient to explain the current inflexion point in Latin American’s relationship with abortion.

1.2.2 Public Opinion

Changes in public opinion are often used to explain significant changes in moral policy. The idea is that changes in public policy become possible when a sizable portion of the population changes their views on moral policy issues (see Page and Shapiro 1983; Loftus 2001; Wood et al. 2016). Causality, nevertheless, should be addressed in studying changes in public opinion and policy. For example, in her study of abortion decriminalization in Spain, Blofield (2006) shows that changes in public opinion took place after policy changes.

Our work takes public opinion seriously because we know that politicians take polls into account in making political decisions, and in Latin America’s democratic era, voters shape public policy through elections. Furthermore, in regimes in Latin America where protests are frequent (Moseley 2018), the

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4 Results of an OLS regression model of abortion justification (0 = “no”; 1 = “yes”). Question wording is available at lapopsurvey.org and variable coding follows Moseley (2018). Replication materials can be found at marieladaby.com.

5 Moral policy refers to political regulations about social values such as sexual and reproductive rights. Same-sex marriage and abortion are examples of moral policy (Díez 2015).
temperature on the streets is used to push for policy change. Illustrative of this argument is the public change of opinion of former president of Argentina, Cristina Fernández de Kirchner, who explicitly stated that she changed her opinion about abortion legalization from being against its legalization to supporting it due to the presence of the women and girls in the streets during the debate in the Congress.

Figure 3 highlights to extent to which attitudes regarding abortion have shifted in Latin America over the past decade. According to public opinion data from Ipsos, while the global average in terms of abortion favorability has remained somewhat constant, a number of Latin American countries have experienced significant boosts in support. Among the biggest movers is Mexico, where abortion support increased from about 50 percent in 2014 to 66 percent in 2021. Brazil has undergone a similar sea change, and in Argentina, abortion rights now count on higher levels of popular support than in Canada or the United States.

But did changes in public opinion regarding abortion rights cause the debate to emerge, or vice versa? A closer look at the timing of opinion shifts reveals that significant turns in public opinion seem to have occurred following mass mobilization in the streets, and the introduction of abortion rights on the policy agenda. Prior to 2017, positive attitudes toward abortion experienced only an incremental uptick. In Argentina, the most significant positive shift in abortion justification occurred after a decriminalization bill was introduced in

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6 For Ipsos, this measure counts individuals who approve of abortion whenever a woman wants one or under certain conditions: www.ipsos.com/en/global-views-abortion-2021.
Congress in 2018 (Daby and Moseley 2022). While Latin Americans have certainly moderated in their views on reproductive rights, it is unclear that public opinion drove the abortion debate, or if it was actually the other way around.

1.2.3 The Left

The left, broadly defined as progressive incumbents or a strong coalition of left parties in government, has been associated with changes in reproductive rights given its historical commitment toward equality (Friedman 2009; Blofeld and Ewig 2017). In Latin America, the type of left party is essential to understand abortion decriminalization. Institutionalized left parties are more likely to liberalize reproductive rights than populist left governments (Blofeld and Ewig 2017: 481). In recent years, abortion has found its way on the policy agenda in countries with conservative presidents (Argentina), and even been fully decriminalized in countries where rightist parties govern (Colombia). Clearly, the odds of passing legislation that liberalizes abortion law increase exponentially when programmatic left parties are in power. But the legislative process is not the only pathway that abortion rights movements have leveraged to pursue their goals.

1.2.4 Class

In Latin America, the most unequal region in the world, class differences imply that abortions are safe and accessible to nonpoor women, but often result in injury or death for poor women who abort in unsafe conditions (Kulczycki 2011). As a result, building a women’s movement to legalize abortion is more challenging than in cases where all women, regardless of class, are unable to access safe abortions (Htun and Weldon 2018). This difference contributes to explain why divorce and same-sex marriage, two moral policies that were also strongly opposed by the Catholic Church, were passed much earlier than abortion. Being unable to get a divorce or marry affects all individuals regardless of their class status. What was once believed a barrier to liberalization became a key component of social movement strategy. Throughout the region, abortion rights activists have appealed to conceptions of social justice to advocate for removing restrictions on abortion access. Class cleavages overlap with racial inequality in Latin

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7 Htun and Weldon (2018) argue that legalized abortion is a doctrinal and status issue. Legalization goes against the established doctrine of organized Catholicism and is a policy that empowers women as a status group. This is because women of different classes have different access to safe underground abortion based on their income.
America, but class-based movements have historically provided the foundation for social and economic progress throughout the region. By educating fellow citizens about the disproportionate burden carried by poor women with respect to abortion bans, abortion rights movements have weaponized inequality and turned a weakness into a strength. Latin American citizens understand the language of social and economic justice, and linking abortion rights to this storied history has become an effective strategy in the fight for abortion rights.

1.2.5 Issue Networks

Some argue that state and nonstate actors, together with activists and professionals, work together to achieve abortion legalization. The controversy in the literature is about the relationship and causality of social movements and activists. Instead of using social movements to refer to nonstate actors, scholars interested in explaining public policy change refer to policy networks (Kubal 2012), issue networks (Htun 2003), and networks (Hochstetler and Keck 2007; Díez 2015). Some scholars argue that activists are the ones who form these networks (Díez 2015), while others (Htun 2003) state that these networks emerge as a result of common interests in a particular policy area, in this case, abortion. The argument is that these networks influence state and nonstate actors’ policy choices and contribute to shaping a supportive climate in public opinion.

1.2.6 Descriptive Representation

Countries in the region have been implementing different versions of gender quotas, including parity laws, since the 1990s. A recent overview of the literature shows that quotas are followed by greater legislative attention to “issues related to women’s rights, public health, and poverty alleviation” (Clayton 2021: 235). The two ways quotas affect public policy are by broadly changing legislators’ behavior by altering the composition of the legislature, and shifting preferences by organizing collectively to affect legislative decisions, seem to explain changes in abortion policy in some Latin American countries. Building on a substantive body of research, Clayton shows that “women legislators participate more actively and more emotively in debates on women’s rights and other gendered issue areas than do men” (241).  

In Latin America, the implementation of gender quotas led to an increase in the number of women in Congress changing the environment – from

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