THE DISSONANCE OF POLITICAL WILL AND THE RIGHT FOR COMPREHENSIVE SEXUAL EDUCATION IN BUENOS AIRES, ARGENTINA

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By

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ABSTRACT

In October 2006, Argentina passed Law 26150 declaring universal access to comprehensive sexual health education as a fundamental right for all Argentine students in public, private, and state-run schools in all provinces of Argentina. Law 26150 also justified and mandated the integration of the Programa Nacional de Educación Sexual Integral (ESI) into the Ministry of Education, and into all school curriculums within four years. Yet by August 2012, successful integration may have only been assimilated into 7,000 of more than 45,000 schools in Argentina. There are varying explanations that are unique to every school, such as the lack of infrastructure or implementation of resources in the education system, lack of incentive or capital for the instruction and provision of teachers who are both properly trained and pedagogically impartial, as well as numerous cultural conflicts arising from the community. Nonetheless, the design of the ESI policies lacked a definitive strategy for implementation such as clear targets, dates, among other monitoring and evaluation mechanisms. Moreover, the educational apparatus remained prearranged in such a way to reduce incentives and diminish the accountability of actors who lacked the competence to execute the ESI policy. Therefore, the burden of inadequate political support disproportionately befell educators as well as student stakeholders.

This thesis examined the history of the Argentine education system and identified a series of political actors with multifarious interests involved in both the creation and failed application of the ESI policy. This then explored the possible incentives and agreements that may have
affected the political will of actors involved in the implementation process. It was then
postulated that the ESI policy failures were heavily influenced by the lack of political will or
ability, and that other compounding variables such as the disinclined education institution itself,
was fixed within the political stalemate of ineffectual leadership while ensnarled in the gridlock
of national and municipal policies.
Acknowledgements

Throughout my life, I have seen the harmful and lasting effects of the lack of knowledge and empowerment resulting from the inability to access high quality comprehensive sexual education. This thesis is my personal commitment and endeavor to contribute to an existing body of literature that is making a difference for young people - especially young women. Writing this thesis has been personally enlightening and fulfilling and is the product of a long journey of discovery. There were many who supported its development, but I must single out a few:

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To all those who still lack access to sex education, and to all those who strive to improve that disparity;

My sincerest thanks,
Kristin A. Gutekunst, B.A.
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CHAPTER I

INTRODUCTION

Of the 7.3 billion people in the world, 49.7% are female (UN Census, 2016). Although the gender-based population distribution is approximately uniform, women have occupied varying degrees of status and have historically endured inequality throughout time. This unequal status has affected women’s access to equal opportunities in various sectors including education, occupation, landowner rights, as well as gaining societal autonomy. Although women classically have served as the physical carriers of future generations and transmitters of cultural knowledge and traditions, gender inequality continues to serve as a predictor of poverty, an interrupter of education, an accelerant to a variety of forms of violence among other human rights violations, and a perpetrator of unequal status globally, often based on women’s sexual and reproductive health.

Therefore, by providing women with the tools and knowledge base to regulate their own reproductive health and sexuality acknowledges their own identity and destiny to reclaim their equivalence. Additionally, providing men with the uniform knowledge base regarding women’s rights will equip and enlighten that female equality is not a threat, but rather parity ensures the most peaceful and abounding future for all of society.

PURPOSE

The purpose of this thesis is to reveal an assortment of public policy failures in Argentina that has possibly led to various public health vulnerabilities of children and young women through the structural failures in providing appropriate and substantive sexual health education to at risk communities.
SIGNIFICANCE

The significance of these findings shall reveal if policies set forth by the Argentinian Ministry of Education disproportionately burdened educators in the pedagogical pursuit to provide substantial public health and sexual health benefits to girls, young women, and community shareholders. Further, it is anticipated that this thesis will broaden the academic framework of how comprehensive sexual health education policies either succeed or fail in Argentina, and what factors may contribute to this phenomenon.

STATEMENT OF PROBLEM

Sexual health education is a multifarious tool in order to best position the economic development and occupational projections for young women and girls in Latin America. In Argentina, the escalating birthrates of young mothers promises unnecessary future hardships that typically diminishes both human and economic development. Through various structural or political failures, sexual health education in Argentina has been further compromised.

METHODOLOGY

The primary of objective of this study was to ascertain how political will may affect the educational outcomes and to what effect, if any, is a burden to the educator and to other Argentine stakeholders. To avoid potential political prejudice, institutional bias and conditional partiality, this study sought to buttress various claims throughout a body of established and reputable resources spanning academic, professional, governmental, intragovernmental, intergovernmental, and public sector reports and literature.

Such scholarly works are characteristically found in academic and professional databases either through a remunerated subscription service or through an open-access process. Other
professional reports such as Bloomberg or Euromonitor International may require special
permission, subscription, or presents with a fee-based service to gain real-time insights and
stratified studies. Reports acquired from governmental and intragovernmental sources
(departments, agencies within aforesaid administration) are often publically available for
disclosure and transparency purposes for both the international community, and for citizens.
Whereas intergovernmental reports, such as those conducted by the various agencies of the
United Nations organization, are likewise classically available, regularly offers a distinct
reduction in the aforementioned limitations such as bias and political prejudices that may injure
the academic integrity of scholarship.

Because Argentina has experienced episodes of uncertain recordkeeping and reporting
throughout various administrations, the republic has consequently produced extraordinary record
gaps, weakening Argentina as a steadfast resource of dependable information.

LIMITATIONS

Political prejudice, institutional bias, and conditional partiality can generate an adverse
condition to scholarship through the contamination of data streams found within various bodies
of literature.

DELIMITATIONS

To approach evasive limitations, this study sought to exclude quantitative data structures
such as secondary sourced meta-analyses, and other instruments that may succumb to the
innumerable limitations declared hencetofore. Through heedful appraisal and evaluation of the
bastion of both academic and professional bodies, such as peer-reviewed literature, coupled with
governmental and intergovernmental reports, as well as findings from civil society networks and nongovernmental organizations.

TRANSLATIONS

For the purpose of academic integrity, the original language will be preserved as a footnote, supplemented with in-text respective English language translations.

DEFINITIONS

Comprehensive sexuality education is defined as a right-based, gender-focused approach to sexuality education (Haberland, 2014).

Equality was defined at the Second World Conference of Women in Copenhagen in 1980 as “not only legal equality [and] the elimination of de jure discrimination, but also equality of rights, responsibilities and opportunities for the participation of women in development, both as beneficiaries and as active agents.” (UN, 1980). Equality was further defined at the Third World Conference as including “the realization of rights that have been denied as a result of cultural, institutional, behavioral, and attitudinal discrimination.” (UN, 1985).

Political will is “the commitment of actors to undertake actions to achieve a set of objectives … and to sustain the costs of those actions over time” (Binkerhoff, 2010).

Reproductive health was defined in international policy as “a state of complete physical, mental and social well-being and not merely the absence of disease or infirmity, in all matters relating to the reproductive system and to its functions and processes. Reproductive health therefore implies that people are able to have a satisfying and safe sex life and that
they have the capability to reproduce and the freedom to decide if, when and how often to do so” (UN, 1994).

Reproductive health care was first defined at the International Conference on Population and Development in 1994 as: “the constellation of methods, techniques and services that contribute to reproductive health and well-being by preventing and solving reproductive health problems. It included sexual health, the purpose of which is the enhancement of life and personal relations, and not merely counseling and care related to reproduction and sexually transmitted diseases” (UN, 1994).
CHAPTER II

Since the formation of civilization, education has sustained an all-pervading role in the historic interface of individual, community, and the progression of social development. Further, education as a fundamental human right for all inhabitants is a protected statute governed by the United Nations Charter and Declaration of Human Rights which guarantees universal access to education. Once extrapolated, sex education is favorably positioned to mitigate and leverage social and community development by empowering women with skills and strategies to make and uphold informed decisions concerning their own sex and reproductive rights.

SEXUAL AND REPRODUCTIVE HEALTH IN INTERNATIONAL POLICY

The United Nations Population Fund (UNFPA) defines comprehensive sexuality education as a rights-based and gender-focused approach to sexuality education, whether in or out of school (Haberland, 2014). Comprehensive sexuality education is curriculum-based didactic that aims to provide children and young people with the knowledge, skills, attitudes and values that will enable them to develop a positive view of their sexuality, in the context of their emotional and social development (Haberland, 2014).

The Commission on the Status of Women (CSW) was signed into existence in 1946, which was to enact legal measures for protecting human rights and equality for women (UNDESA, 2017). Since then, the commission has been instrumental in creating more comprehensive policies for women, including more inclusive language in the Declaration of Human Rights, promoting female voting, labor, and marriage rights (UNDESA, 2017).

In 1967, the CSW drafted, introduced, and was instrumental in ensuring the adoption by the United Nations General Assembly (UNDESA, 2017) of the Declaration of the Elimination of
Discrimination against Women (UN, 1967). In this document, Article 9e mentioned the need for “access to educational information to help in ensuring the health and wellbeing of families”, although no explicit mention was made of sexual and reproductive health rights (UN, 1967).

The basic right for parents to plan their family, and take actions to terminate pregnancies was first introduced in 1968 through the Proclamation of Teheran (UN, 1968): “The protection of the family and of the child remains the concern of the international community. Parents have a basic human right to determine freely and responsibly the number and spacing of their children.” In 1972, the United Nations General Assembly declared 1975 International Women’s Year, which would be followed by the International Decade for Women (UN, 1985). It also set the platform for two future world conferences to evaluate the status of women (UN, 1985).

The First World Conference for Action for Women took place in Mexico City (1975) and summarized inequitable treatment of women and underscored the need for gender equality, and their historic role as peace builders (UN, 1975). The First World Conference for Action for Women also reaffirmed that women and men held equal responsibilities in the family and in communities, underscoring the need for men to participate more actively in these respective roles (UN, 1975). Similarly, the convention emphasized that “childbearing should not be the cause of inequality and discrimination, and that childrearing demands shared responsibility among women, men and society” (UN, 1975). It stressed the inherent right for couples and individuals to plan and space their children, and the right to have the access to correct knowledge to do so (UN, 1975).

This idea was reiterated when the Declaration of the Elimination of Discrimination against Women was adopted into a Convention (CEDAW) by the General Assembly in 1979.
Article 16e guaranteed women a voice and the right to have equal influence in “[deciding] freely and responsibly the number and spacing of their children and to have access to the information, education and means to enable them to exercise these rights” (UN, 1979). Under this charter, member states staked commitment to take legal action to ensure the articles were confirmed in their national policies, and to provide regular monitoring and evaluation (UNDESA, 2017).

This facilitated the establishment of the Volunteer Fund for the United Nations Decade for Women in the International Women’s Year, an organization that provided technical and financial resources to innovative programs and strategies that promoted women’s human rights. In February 1985, the Volunteer Fund would formally become the United Nations Development Fund for Women (UNIFEM), and later become a member to the United Nations Development Group (UNDG). UNIFEM worked closely with the United Nations Development Programme (UNDP) to espouse a series of gender and peace building strategies that were mutually beneficial to the needs of women. In January 2011, UNIFEM merged into the United Nations Entity for Gender Equality and the Empowerment of Women (UN Women) to further establish and preserve the rights of the world’s women and girls.

The Second World Conference in Copenhagen in 1980 called attention to employment, health and education, and witnessed the signing of the Convention on the Elimination of All Forms of Discrimination against Women (CEDAW). Comprised of a preamble and 30 articles, it defined discrimination against women and established provisions and an agenda for national action to end such impunities and discrimination (UN, 1979). It highlighted women’s lack of ability to “attain equality” due to existing socio, economic and political power dynamics and the
need for improvement of the status of women in families and cultures at local and national levels (UN, 1980).

The third world conference was held six years later in Nairobi and examined the status of foregoing actions and furthermore included a treatise on women inclusion and equal representation in political discussions (UNDESA, 2017). In this 1986 conference, a declaration to review and appraise the *Achievements of the UN Decade for Women* fostered the adaptation of the *Forward Looking Strategies*, to be implemented by the year 2000.

In 1989 the Convention on the Rights of the Child established the age of a child as that under eighteen years old, and enumerated their special rights as an especially vulnerable population, one which has an equal right to a life of dignity (UN, 1989).

The International Conference on Population and Development in Cairo in 1994 (UN, 1994) was a pronounced achievement in terms of international consensus and rights for reproductive health rights for women (UNDESA, 2017). It was the first time reproductive health was defined in international policy (UN, 1994):

“A state of complete physical, mental and social well-being and not merely the absence of disease or infirmity, in all matters relating to the reproductive system and to its functions and processes. Reproductive health therefore implies that people are able to have a satisfying and safe sex life and that they have the capability to reproduce and the freedom to decide if, when and how often to do so”

It also declared the right to know about the proper knowledge and access to preventative methods for ensuring a healthy and safe family through reproductive health care (UN, 1994):
“The constellation of methods, techniques and services that contributes to reproductive health and well-being by preventing and solving reproductive health problems. It included sexual health, the purpose of which is the enhancement of life and personal relations, and not merely counseling and care related to reproduction and sexually transmitted diseases.”

Decisively, it recommended that governments distinguish and manage the “health impact of unsafe abortions as a major public health-concern” and something that has significant impacts on women’s health (UN, 1994). The Cairo Programme of Action was the first time the individual freedoms of women were recognized, “the authenticity of each woman as the central decision-maker in her own life and future, including her reproductive future,” (Cook, 2006). And while abortion was not promoted, it was recognized as a reality for some women (Cook, 2006). In parallel to this, included the call for prevention of unwanted pregnancies through scaled-up family planning services (Cook, 2006), and the empowerment of women through “reliable information and compassionate counseling” (UN, 1994). This was the first time the subject of abortion had been discussed in international human rights.

These noteworthy achievements were not without opposition, as there were a number of dissentions made by countries through official written statements, claiming these sections infringed on the states’ sovereignty. These statements challenged some of the particularities and notions defining fetal rights, abortion as a family planning method, the definition and concept of marriage rights, and the concept of a family.

The fourth installment of the World Conference, occurred in Beijing in 1995, and was the largest UN conference to date, and consolidated much of the work of the previous three
conferences to build a stronger call to action to advance issues of gender, health, education, and human rights for women (UNDESA, 2017) The outcome of the UN session was the *Beijing Declaration and Platform for Action*. In this document, a woman’s right to control her own fertility, and the access to sexual and reproductive health care and education were explicitly avowed in respective articles (UN, 1995).

In a section particular to the *Education and Training of Women of the Beijing Platform for Action*, Article 71 acknowledged the discrimination of girls’ access to education such as “early marriages and pregnancies, inadequate and gender-biased teaching and educational materials, sexual harassment” as well as various other domestic responsibilities, including poor school facilities (UN, 1995). It also highlighted the negative effects of the lack of access to sexual and reproductive health education both for boys and girls, reinforcing gender inequalities (UN, 1995). Recommendations for both of these issues point to the need to remove all barriers for access to comprehensive sexual and reproductive health care and education, and the promotion and strengthening of the institutions providing this knowledge and service in combination with families and communities (UN, 1995).

In the section regarding women and health, unequal access to health services and sexual and reproductive health training was acknowledged as a reality for female children and adolescents (UN, 1995). It suggested that the lack of access and training has eliminated their decision-making abilities while overburdening them and their families as they mature (UN, 1995). These acknowledgements echo the definition of reproductive health and reproductive health care as defined in Cairo (UN, 1995). Underscoring the autonomous right to plan, and have access to reproductive health care and education in order to have a healthy sexual life is
emphasized with adolescents as vulnerable stakeholders, as well as women in bucolic and poor urban areas, those with mental disorders, and indigenous women (UN, 1995).

The declaration heavily advocated for governments to address issues through preventative programming and media campaigns steered by a number of stakeholders, as well as traditional sexual education programs (UN, 1995). It also advocated for sensible family planning as a preventative method, and for safe abortion to be available if optioned by national and local laws. It again stressed the danger of unsafe abortions to women’s health, and recommended that governments eliminate laws punishing women for abortions (UN, 1995). It called for an increase in quality data, monitoring and evaluation, improved public policies, and increased presence of women in leadership roles.

Noting that these recommendations were key components to preventing many reproductive health issues, it additionally demarcated this concept as “an inalienable, integral and indivisible part of all human rights and fundamental freedoms” (UN, 1995). The declaration was agreed upon by 189 countries - with some abstaining on various clauses; yet it has been instrumental in providing a basis for women’s rights as human rights (UN, 1995).

Since Beijing, the Commission on the Status of Women has met yearly and had progress reviews every five years. 2015 marked the 20th anniversary, and the exhaustion of the Millennium Development Goals, and the hopeful ratification and implementation of the new Sustainable Development Goals.

In September 2000, world leaders appeared together in New York City at the United Nations Headquarters in a global pact to reduce extreme poverty by 2015 (UN, 2017). The UN Millennium Declaration signed into effect an international effort to halve extreme poverty
globally by 2010, focusing on the most vulnerable, and the least developed countries (UN, 2017).

The UN Millennium Declaration had 8 principal Millennium Development Goals (MDGs), with many sub-goals with indicators attached. They are as follows (UN, 2000):

1. Eradicate extreme hunger and poverty
2. Achieve universal education
3. Promote gender equality and empower women
4. Reduce child mortality
5. Improve maternal health
6. Combat HIV/AIDS, malaria, and other diseases
7. Ensure environmental stability
8. Global partnerships for development

Target 5b specifically focused upon the achievement of “universal access to reproductive health” (UN, 2000).

The MDGs have been lauded as the “most successful anti-poverty movement in history” to date (UN, 2015). Great progress was made, although it is still necessary to focus on advancing gender equality (UN, 2015). The final 2015 MDG report noted that a major contributor to maternal mortality included “complications from delivery and unsafe abortion” (UN, 2015). There were also large gaps in access to reproductive health care, especially between urban and rural populations (UN, 2015). It was noted that although adolescent pregnancy rates declined, they still remained alarmingly high in Latin America and Sub-Saharan Africa (UN, 2015).
THE IMPORTANCE OF COMPREHENSIVE SEXUAL EDUCATION

Sexual and reproductive health education provides children and adolescents with the knowledge and tools to negotiate sexuality throughout their lives (UNESCO Vol 2, 2009, p. 2). Sexuality is a dynamic concept that includes “physical, psychological, emotional, social and cultural dimensions” and has different manifestations dependent on social, economic and cultural circumstances, all inextricably linked to gender (UNESCO Vol 2, 2009, p. 4).

Sexual and reproductive health education combats unsafe practices that lead to disease, unintended pregnancies, abuse and exploitations (UNESCO Vol 2, 2009, p. 1). These repercussions affect the success of individuals, while also impacting communities and those social institutions that must provide additional services (UNESCO Vol 1, 2009, p. 4).

Ensuring every pregnancy is planned and safe is a key component to increasing gender parity and the empowerment of women. According to UNICEF’s most recent State of the World’s Children, “Complications during pregnancy and childbirth are the second leading cause of death for girls between ages 15 and 19. And babies born to mothers under age 20 are 1.5 times more likely to die during the first 28 days than babies born to mothers in their twenties or thirties” (SOWC, 2016, p. 17)

Sexual and reproductive health education is not just essential to transmit information regarding the prevention of unwanted pregnancies and sexually transmitted diseases, it also ensures that information is disseminated, providing young people with contemporary relevant skills to negotiate various situations in order to have healthy and safe sexual relationships, avoid dangerous ones (IATT, 2008) and also to form a positive self-image of themselves.
The idea that teaching sexual and reproductive health will promote increased sexual activity is long gone in public and programmatic discourse; in fact there is strong evidence that the opposite is in fact true (Hargreaves, 2006). Comprehensive sexual education contributes to “later and more responsible sexual behaviour or may have no discernible impact on sexual behavior” (UNESCO Vol 1, 2009, p. 8).

In the 2007 edition of Challenges, ECLAC clearly articulates why it is so important to educate young women about sexual education:

“Teenage motherhood is an important issue in terms of progress toward the achievement of the Millennium Development Goals, firstly because it occurs most often among the daughters of poor families and therefore tends to perpetuate poverty and the lack of opportunities from generation to generation, together with risks of infant malnutrition. Secondly, it leads to increased incidence of infant morbidity and mortality, as well as complications during birth and the postpartum period. Thirdly, it is closely linked to early school dropouts among teenage girls” (Yañez, 2007, p. 2).

While a good education in general has many positive factors later in life such as an increase in economic prosperity and independence, and a reduction in vulnerability to risky behaviors, sexual and reproductive health education additionally has a direct effect on keeping young people, and particularly girls in school (IATT, 2008). Many girls drop out of school due to unwanted pregnancies, and if girls complete secondary school, they are more likely to practice safe sex, thus reducing the risks of STIs and pregnancies (IATT, 2008). In addition, completion of secondary schools is linked to a higher probability of using a condom and having fewer less
sexual partners, irrespective of gender (Hargreaves, 2006). Finally, educated women pass on this knowledge to younger women (Hargreaves, 2006).

Schools diffuse messages about norms and roles, preparing young people for adulthood. In particular, the best types of programs seem to be those led by adults in a safe environment, although it must have a child-centered, localized approach and include psycho-social elements (IATT, 2008): “a review of school-based HIV interventions conducted in 2006 revealed that curriculum-based interventions incorporating key characteristics and led by adults had the strongest evidence of effectiveness and showed positive reports of behavior change” (IATT, 2008).

Some recommendations for a suitable curriculum includes, but not limited to:

1. Actively involve parents and communities to diminish resistance to the introduction of the topics within the school curriculum
2. Support teachers through pre-service and in-service training on how to teach such sensitive issues as gender, sex, relationships, substance use, sexually transmitted infections and HIV
3. Deliver messages that are sensitive to ethnicity, local culture and traditions, language, age and sex
4. Provide a range of options for young people to choose how to reduce their risk to HIV (IATT, 2008).

It is important to note that schools, although extremely important in terms of educating children and providing them with the knowledge to live a healthy sexual lifestyle, are not the only place that these messages are transmitted. The environments that children are raised in
transmit norms and practices. These are deeply instilled, and thus difficult to change. However, working with communities to address stigma, change perception, and increase correct knowledge and biases can have rippling effects (IATT, 2008). Some of the most powerful proponents of this change occur when youth themselves engage in peer-to-peer outreach and intervention, typically guided by an adult mentor (IATT, 2008).

Even so, it is parents and other adults in the children’s lives who are the first teachers, and are those who first pass on knowledge and biases to their children. Unfortunately many parents did not receive comprehensive sexual education themselves, and thus may pass on incorrect knowledge, or cultural biases that may end up inhibiting or harming a child or young person in the choices they make or situations they find themselves in. Indeed, many parents find it difficult to speak with their children about these subjects, causing discomfort with the subject, leading young people to seek information elsewhere, or worse yet to not seek information at all (Purdy, 1998). Reaching out to parents and including communities can have far reaching benefits, impacting other factors, creating a culturally sensitive program for young people, and involving the community in the empowerment of their youth to make good decisions regarding their sexual behavior.

One must not discount the role that media and culture play in transmitting messages. The general population is bombarded with messages about gender and sexual themes through magazines, television, movies, music, even toys. Yet before accusing the media of spreading negative perceptions, it is important to acknowledge the incredible good that can be accomplished when correctly harnessing the power of mass media tools. Messages can be spread further and reach more people when publicized on mass media and social media. It can help
correct social norms and stigmas by putting popular characters in lifelike circumstances and showing corrective responses.

Embedding awareness messages into media unless done well can come across as patronizing and may miss the generational mark it is intended for. Regularly, in American situational comedy programs (sitcoms), such as “Growing Pains” or “Boy Meets World”, young protagonists have moments where they earn life lessons in a mere flash. Oftentimes this was for comedic value, promoting seemingly outdated cultural norms that sometimes seemed to miss the reality.

As a Millennial part of what some call the MTV Generation, or those born in the 80s who were highly influenced by the MTV (Music Television) network’s debut in 1981, the best agency at tackling the somewhat proscribed and often taboo world of teenage sexual and reproductive health may have actually been MTV. MTV dared to brazenly cover topics that many others would not approach, such as homosexuality and HIV/AIDS. Whether it was through reality television, like the “Real World”, or miniseries such as “Undressed”, as long as the subject matter was addressed in a serious and honest way, it seemed overwhelmingly digestible by adolescents and young adults.

The American MTV television reality show, “16 & Pregnant,” gave an insider’s view to the challenges of teenage pregnancy and has been credited with rapidly declining teenage pregnancies in the United States (Kearney, 2014). For instance, upon the day and following day that episodes aired, searches for “how to get birth control” on Google, and Twitter “mentions” spiked in areas where high amounts of MTV viewers clustered (Kearney, 2014). The study,
coincided with a “5.7% reduction for around 1/3 of the overall decline in teen births in the United States during that period” (Kearney, 2014).

The United Nations Children’s Fund (UNICEF) had the opportunity to collaborate with, The United States President’s Emergency Plan for AIDS Relief (PEPFAR), Johns Hopkins, MTV International, and The Gates Foundation in its Staying Alive Campaign for the development of several multi-media miniseries programs (Borzekowski, 2010). The miniseries were aired and recorded in the Ukraine, Trinidad & Tobago and most famously in Nairobi, Kenya. They included 1-6 TV episodes, online, radio, and other media forms such as study material components to tease out the prudently embedded public health messages, which were also carefully nuanced to each region’s particularities. The evaluation showed that the project reached youth in 96% of the top HIV/AIDS countries (Borzekowski, 2010).

Overall, the program positively influenced young viewers’ perceptions, knowledge and intended behavior, with many shareholders indicating that they intended to get tested, have fewer partners, and that it reduced the stigma of people living with HIV and AIDS (Borzekowski, 2010). It was most effective in Kenya, with 64% of those evaluated saying they were aware of the program and 60% saying they had seen the show in a follow-up evaluation (Borzekowski, 2010). Finally, viewers also admitted that they remembered the key messages, and spoke about it with friend, families and co-workers (Borzekowski, 2010).

Another recent example of a powerful collaboration occurred between UNICEF Argentina, Fundación Huseped - an organization that works with people living with HIV/AIDS - and the producers of Solamente Vos, an Argentine TV show (Aristegui, 2014). The project embedded sexual and reproductive health messages into a popular series with panel polling
occurring before and after the episode aired to measure effectiveness (Aristegui, 2014). The study confirmed program effectiveness, with recipients stating that TV (43%) was their primary source of information about sexual and reproductive health, followed by medical personnel (36%) and the internet (33%) (Aristegui, 2014). In terms of where the public believed sexual and reproductive health information should come from, school (52%) and family (35%) were mentioned, with 70% stating both parents should play a role in discussing these issues with their children (Aristegui, 2014).

Many of those polled claimed that the TV show, which addressed the role of women in proposing and providing condoms, had an effect on their beliefs (Aristegui, 2014). Most importantly, many agreed that TV was an effective tool to communicate sexual and reproductive health issues, that it was important that TV programs address them, and that currently TV programs do not sufficiently cover them.

Adolescent pregnancies are a large problem Latin America and the Caribbean, with “the highest proportion of adolescent females claiming to have had their sexual debut before age 15, at 22 percent” (SOWC, 2011, p. 22). The adolescent population (aged 10-19) in Argentina is approximately 7,020,000, encompassing 16 percent of the population (SOWC, 2016). Of these adolescents, 12% had given birth by age 18 (SOWC, 2016).

There is a gap in comprehensive knowledge of HIV/AIDS between the poorest and richest 20 percent of females aged 15–24 2010–2014, with 29% and 54% having sufficient knowledge respectively.
CHAPTER III

ARGENTINE SOCIAL DEVELOPMENT

As Morris (2010) suggests, social development is a multivariate amalgamation of a society’s capacity to manipulate its own ecosystem, both physical and intellectual, in order to achieve its own survival, realization, and success. Therefore, an approach through this social development lens can assist in capturing the unique dynamics of a given civilization. Morris’ proposed social development index (SDI) as an empirical response to the historical proclivity of societal idiosyncrasies becoming indicative of varying degrees of development (Morris, 2010). These social development attributes are:

1. Energy Capture
2. Organizational Faculty
3. Information Processing
4. Projection of Force

In the scope of exploring public policy failures contiguous to sexual health education, it is noteworthy to explore how organizational faculties and information processing aid and abet both policy successes and failures. Organization faculties have been described as the competence of a given population to assemble, organize, and lead (Morris, 2010). A characteristically simple yet essential trait, this communal aptitude for assembly and organization regulates the assorted triumphs most notably found in the marketplace and governments.

Conceptually, information processing has been described as the intellectual strength and resilience of populations and organizations to share and communicate information and knowledge with one another (Morris, 2010). This concept of information processing fortifies the
foundation and bastion of pedagogy, which Argentina has historically espoused throughout various political and economic climates.

Another noteworthy development indicator, the projection of force, is best described as a state’s application of security forces (classically a military or paramilitary force) to either defend or deter an antagonist, or to invade and conquer an adversary, control land, resources, or people (Morris, 2010). Traditionally, the latter is often to attain another development indicator, most conspicuously – energy resources.

Fundamentally, energy capture remains a vital indicator to initially achieve and to sustain the given success of a civilization (Morris, 2010). Initially, energy capture represented the utilization of livestock to offset the physical and energy burden of plowshares, while hydrocarbons supplanted the energy output of steam engines. From mechanization through automation, energy resources (such as crude production) have represented a principle palisade in both global and regional markets, whilst enhancing growth and production into other enterprises, such as agriculture and industry. Though altogether these markers prescribe various proportions of societal success, for the purpose of this thesis it is pertinent to narrow the SDI focus to the organizational faculties of policy formation and implementation, as well as information processing in the extent of sexual health education and social programming and how this body of knowledge is procured, assimilated, and delivered to shareholders.

ARGENTINE ECONOMICS

Once poised as one of the world’s wealthiest countries just a century ago (Economist, 2014), Argentina has undergone a variety of recurrent economic crises that has historically threatened regional and national stability. These crises regularly lead to mounting external debt,
with persistent fiscal account deficits leading to high inflation and capital flight. This is in
despite of rich natural resources, including energy, a vastly biodiverse fauna and flora, and a
decidedly literate human capital base, a diversified industry base combined with a robust export-
Based agricultural sector.

Most recently in 2001, a severe depression lead to the dire public and external debt which
was a polyfactorial construct that lead to the social, economic, and political crisis of 2001
(Gaspririni, 2007). This depression lead to then Interim President Adolfo Rodriguez Saá’s
December default declaration, as Argentina became unable to meet its legal obligations to its
foreign debt repayment (Gaspririni, 2007). A few days after taking office, President Adolfo
Rodriguez Saá resigned, leaving Eduardo Duhalde as his successor, which soon thereafter
unpegged the peso (1:1) from the US dollar (USD) in early 2002 (CIA, 2007). With the
decoupling of the decade-long peso-USD, Argentina was able to slowly rebound after the
economy plunged which left nearly 60% of Argentines under the poverty line (Gaspirini, 2007).
Private sector expenditures rose 44-48% of total healthcare expenditures during this period, as
well as the Inter-American Development Bank, which heavily financed various sociomedical
programs such as Remediar, which provided free basic medicines to nearly 15 million
Argentines (Cavagnero & Bilger, 2010).

Previously, economic policies to bolster public health have demonstrated a redistributive
effect from pro-poor to pro-rich (Cavagnero & Bilger, 2010). From the policy perspective, the
health care arrangement remains susceptible to recessions principally due to an increased
dependence on out-of-pocket expenses and the pervasive marriage between employment and
health insurance (Cavagnero & Bilger, 2010).
Real gross domestic product (GDP) rapidly grew with an average of 8.5% over the following six years because of a reduced debt liability and favorable international monetary conditions, as well as a bold debt restructuring strategy that bilaterally involved responsible expansionary economic and fiscal policies. President Duhalde was succeeded by Nestor Kirchner in May 2003, with President Cristina Fernandez de Kirchner succeeding her spouse in 2007.

Contemporaneously, state intervention was increased throughout 2012 with the nationalization of YPF, an oil company from Spain’s Repsol (CIA, 2016). Other efforts to encourage foreign reserves and to curtail capital flight were positioned in July 2012, with the government continuing its expansionary fiscal and monetary policies and foreign exchange and import expansionary controls. Further, with limited military expenditures during 2010-2012 (less than 1% GDP) promoted a faster recovery of the state economy, while maintaining an assorted array of educational and medical programming for its citizens (Cavagnero & Bilger, 2010).

Following the Argentine presidential election of 2015, President Mauricio Macri has taken substantial strides to liberalize the national economy through a variety of efforts including removing numerous export controls on selected commodities, floating of the peso, whilst reforming debt disbursements with bond creditors (CIA, 2016).

With forecasted International Monetary Fund (IMF) estimates (USD) of the economic outlook at 2020 pinning the Argentine gross domestic product (GDP) at $773.445 billion; with $709.466 billion pegged for 2019; $561.335 billion for 2017; and $411.748 billion for 2016 (IMF, 2016) the economic and emerging institution of Argentina is seemingly strong. 2015 estimates suggested a GDP purchasing power parity (GDP PPP) of $895.4 billion, the ebb and flow was automatically achieved spanning 2014-2016 with $873.7 billion (2014), $895.2 billion (2015)
and $879.4 billion (2016), respectively. The 2016 GDP per capita PPP (GDP PC PPP) is shown to be $20,200, with a corresponding market tendency found in the GDP PPP metrics (CIA, 2016). Although market intelligence suggest that Argentines are currently experiencing a gradual increase in unemployment, up 0.4%, from 7.6% (2015) to 8% (2016), paired with a growing inflation rate of 42.8% (2016) from 26.5% (2015), a financial pressure most conspicuously burdened by the middle and lower middle class populations. With possible reductions in the labor force (due to increasing unemployment and inflation), it is urgent to consider if secondary education and sexual health education are unilaterally positioned as ameliorating influences to encourage family planning and maintaining a literate and highly skilled work force.

ARGENTINE GOVERNMENT

The current organizational arrangement of Argentina is outlined as a political structure that descends from the executive branch, which entails the chief of state and head of government. Unilaterally, the elected President of the Republic of Argentina represents both these executive positions and so appoints the executive cabinet. The publically elected Argentine legislative body consists of the bicameral Congreso Nacional, and is partitioned by a 257 seat Chamber of Deputies, and a 72 seat Senate (CIA, 2016). As of December 10th 2015, President Mauricio Macri has assumed executive leadership of the Republic of Argentina.

The Ministry of Education of the Republic of Argentina is a structure of governance with broad budget and fiscal oversight and regulatory controls including curriculum for the Republic of Argentina. Each province as well as the City of Buenos Aires enjoys an autonomous choice of adaption of policies recommended from the Argentine Ministry of Education, as stipulated by the National Constitution (Constitución, 1853).
ARGENTINE EDUCATION

The history of the education system formally begins with the National Constitution of Argentina, which was ratified in 1853 (Constitución, 1853). The Argentine National Constitution thus declared the nation a federal republic, confirming the national religion as Apostolic Roman Catholic (Constitución, 1853). It awarded autonomy to the provinces to create their own constitutions (BNM, 1850), as long as they were in line with the broader national constitution, including constitutional facets regarding the administration of justice, municipal procedures, and primary education (Constitución, 1853).

Perhaps the foremost influential actor in the education space was Domingo Faustino Sarmiento (1811-1888), seventh President of Argentina – a politician, philosopher, and educator (Domingo, 2001). He founded his first school at the age of 15 and traveled and lived abroad extensively (Domingo, 2001). As a governor in San Juan, he was responsible for enacting the first law of mandatory primary education and opening many schools. As President, Sarmiento founded numerous primary schools, universities, and libraries. During his administration, the enrollment rate of students grew from 30,000 to 100,000 (Domingo, 2001). Considering Argentina at this time was a small population of mostly immigrants, Sarmiento not only encouraged integration into the country by promoting education, he also encouraged foreign educators in his schools to expose the isolated country to democratic principles (Domingo, 2001).

Following his Presidency, Sarmiento continued to serve in high-level positions in the education system, still deeply influencing the development of national education (Domingo, 2001). Congress passed the Law 1420, the Law of Common Education, in July of 1884 (Law
1420, 1884). This law was momentous; it made primary school mandatory at a national level, and assured that education was also to be provided gratuitously across the republic. Further, parents and guardians were obligated to provide this to their children, although private school and homeschooling was still allowed (Law 1420, 1884). If this mandate was not met, after two days of absence without a satisfactory excuse, the parent or guardian could be incarcerated as a punishment under the provision of Article 17 (Law 1420, 1884).

Law 1420 (1884) was also noteworthy in that it separated the Church from primary and secondary education. Within Article 8, it is distinctly affirmed that the only religious instruction and training in public schools were to be given to pupils (of that same religion) optionally before or after class hours, and only provided by an educator approved by a religious organization (Law 1420, 1884).

The law further stipulated a curriculum for children of 6-10 years of age, with classes of mixed genders (Law 1420, 1884). Primary school accordingly covered 7 years of obligatory support as well as creating an educational space for kindergarten, and safeguarding adult classes for those who were uneducated, including supplemental space for smaller, itinerant schools with smaller populations (Law 1420, 1884). It also provided compulsory courses and administrative requirements, such as establishing matriculation before schooling and determining educator norms while making the distinction that secondary school was optional (Law 1420, 1884).

The discussion was then diverged over the governance of the education system (BNM, 1880), for as a federal nation, Argentine provinces had an assured degree of autonomy that they desired to preserve. This novel decree established the current decentralized education system that is in place today (BNM, 1850). Local magistrates were in control of reviewing and inspecting the
schools, with corresponding results reported back to the Consejo Nacional de Educación (National Board of Education). From here, the data was then compiled and presented to the Ministry of Education (Law 1420, 1884). Each province had the right to build its own Consejo Escolar de Distrito (or District Board of Education), though the provinces still were required to observe the normative policies of the federal education system (Law 1420, 1884). The funding of the school systems, was to be initially provided by the provinces, and later supplemented by the national treasury (Law 1420, 1884).

However, despite a national law that stated that education was mandatory (Law 1420, 1884), many provinces either lacked the capital or organizational capacity to actually create the schools (Arata, 2007, p. 12). Thus in 1905, Law 4874 was passed to fill the fissures in achieving universal education. This law, also known as the Láinez Law, allowed the government to intervene in provinces when solicited, and these primary schools became dependent upon the Ministry of Education. Created initially to bolster the original law, by 1936 more primary schools were dependent on the state than independent (Arata, 2007, p. 12). This created a strong dualism and competition between the schools, resulting in many provinces either closing or transferring their schools to national governance (Arata, 2007, p. 12).

Law 4874 remained highly criticized and has been called the “silent nationalization” of the education system, going directly against the ideals of a decentralized government stipulated by the National Constitution of 1853. Arguably, the bureaucratic provincial governments were not achieving their financial obligations, neither calling for nor attempting to reform in order to realize a superior education for its constituencies (Arata, 2007, p. 13). Although Law 4874 (1905) contrasted against national federal ideas, it assisted the nation in reaching its goals of
universal education. However, it should be noted that the rapid uptake of Law 4874 by provincial schools stressed the national system, which demonstrated that decentralization in education may not have been the most efficacious arrangement in guaranteeing universal education.

PERONISM, DICTATORSHIP, RECOVERY

On the 4th of June 1943, the Argentine armed forces executed a coup d’état and enacted martial law (Leonard, 1975). The military dictatorship established Catholicism in the school curricula through Decree 18411/43, with the option of a parent withdrawing their child from the classes at the beginning of the year (Law 12978, 1947). The Ministry of Education suspended this decree in 1947 following conflict between then President Juan Perón, and the church, and it was eliminated in 1954 (Padilla, 2015).

During the 1945-1955 reign of Perón, childhood gained a central importance in society and politics (BNM 1945, 2017). With the slogan: “los únicos privilegiados son los niños” (the only privileged ones are the children), Perón produced numerous welfare programs designed to foster protective thresholds for children and lower inequalities (BNM 1945, 2017).

The governance of schools took on a heated fervor in the middle of the century, with the government attempting to return school management to the provinces. This process proved disastrous due to the lack of organization competence and coherent process planning. The Provincial ministries resisted a policy without structure or budget (Arata, 2007), this process was abetted by Law 17878 (1968), Law 18586 (1970), and Law 19682 (1972), which returned the national schools to the provinces between 1968 and 1971 (Arata, 2007, p. 12). Law 19682 (1972) facilitated establishment of a unified body, the National Board of Education of Argentina (Arata, 2007, p. 12).
Following the coup d’état on 24 May 1976, the military took complete control of all bureaucratic functions and processes of the republic (Raggio, 2008, p. 3). During this process, the education system suffered from immense control and lack of freedom. Teachers were persecuted while both freedom of speech and expression was highly repressed and censored (Raggio, 2008, p. 3). The military takeover resulted in a distressed environment that was coupled with the immediate threat of forced disappearances, kidnapings, torture, and executions. The Argentine police and military forces mounted an anti-subversion campaign that resulted in the disappearance of 4,780 people, with 2,500 disappeared in the first year alone (State, 1978).

During the brutal regime, doleful accounts such as the “kidnapping and disappearance of students and teachers accompanied by the expulsion of professors, content control, prohibition of books, control of student, parent and teacher activity, and the control of physical appearances”¹ (Raggio, 2008, p. 4), were not uncommon. The dictatorship also intervened in the curriculum, omitting social subjects such as democracy and providing pedagogical redirections towards a “values” system: the family and nationalism stressing obedience, participation, and commitment (Raggio, 2008, p. 5). In secondary education, Studies of Reality in Argentina, which imparted lessons regarding the socio-historical formation of Argentina were replaced with Moral and Civic Formation, which has endured in education for many years (Raggio, 2008, p. 5).

The process of transferring primary schools back to the provinces was completed by Laws 21809 (1978), 22367 (1979), and 22368 (1980), ultimately making the national board of education obsolete during this time (Arata, 2007, p. 13). This process was done as a way to

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¹ “A la desaparición y secuestro de estudiantes y docentes la acompañó la expulsión de maestros y profesores, el control de los contenidos, la prohibición de libros, el control de las actividades de los alumnos, padres y docentes, y la regulación de los comportamientos visibles (ropa, cortes de pelo, etc.) que se extendieron a lo largo de todo el período.” (Raggio, 2008, p.4)
remove the responsibility of the republic in the education process and various endowments including subsidies (Raggio, 2008, p. 6). Enrollment rates varied heavily throughout the provinces, contributing to an expectantly high rate of inequality and education disparities.

The dictatorship was not outwardly apprehensive with the deleterious long-term effects of their decision, especially as their authority was under constant and considerable threat, and therefore, conceivably short-lived. Thus, Auguste found that “the 1978 transfers (under the military government) were a drastic change, mandatory and without an increase of the fiscal revenue that the federal government transferred to the provincial government, that might have affected the quality of the schools” (Auguste, 2008). Although initially projected as a modality to reduce bureaucracy, the process ultimately fractured the system more, by placing a heavy burden on provincial governments that contributed to an unequal system of lesser quality education (Raggio, 2008, p. 7).

NEW DEMOCRACY AND THE FIRST CURRICULAR REFORM

As a new democracy formed following a series of dictatorships, most recently ending 1983, Argentina began to define itself as an emerging nation. Beginning in the early 2000s, Argentina started a series of law reforms aimed at increasing human rights for women and children, and enhancing social development by reducing poverty. These rights were built and leveraged upon various international conventions, such as the “Elimination of All Forms of Discrimination Against Women” (Law 23179, 1985), and the Convention of the Rights of the Child (Law 23849, 1990).

Following the dictatorship, the idea of the State was in crisis. Public trust was very low and the system had been divided and fractured. The government of President Carlos Menem
(1989-1999) responded by beginning a brazen denationalization process with state run businesses by selling off national enterprises in transport, communication, natural resources and education (Cooney, 2007).

Menem also reformed the education system enacting *Ley Federal de Educación* (Law 24195, 1993), which echoed the State’s commitment to providing its citizens with education. Article 4 also reflected common inclusive language of the time, noted that education is the unilateral responsibility of the national state and its provinces, but also that the obligation of education befalls families, including the Church and other officially recognized religions and social organizations (Law 24195, 1993).

It established a new gradual and progressive curriculum, which began with kindergarten for 3-5 years of age (Law 24195, 1993). It dictated that the state would assist with childcare prior to 3 years of age, and that primary education was extended to nine levels, from ages 6 through 14. Secondary school was preserved and treated as elective, with a period of 3 years (Law 24195, 1993). Provinces and the City of Buenos Aires could achieve exemption from this law provided primary schooling was fulfilled. The City of Buenos Aires elected to maintain the traditional arrangement of 7 and 5 years for primary and secondary schools, respectively (Law 24195, 1993). Article 11 of Law 24195 (1993) also created space for the independence of the technical high schools that are commonly found in Buenos Aires.

The tradition and concept of free / subsidized schooling was sustained and included special scholarships (Law 24195, 1993); however, Article 55 of Law 24195 did specify that it was the provinces’ obligation to fund the schooling, except in special cases (Law 24195, 1993). Article 55 of Law 24195 also gave universities academic autonomy, and administrative autarky;
therefore, they could have their freedom, but would be paying for it themselves (Law 24195, 1993).

In one large section, the law clearly established the duties of the different government bodies. At the national level, the Ministry of Education, Science and Technology (MECT - Ministerio de Educación, Ciencia y Tecnología), controlled and regulated the education systemically, including the development of the curriculum (Morduchowicz, 2003). The MECT was responsible for “defining goals and schools’ course syllabi, assigning budgets for programs and their management, setting procedures for projects, establishing institutional and methodological structures for schools and their relationship with provincial governments, monitoring compliance with rules, and visiting schools” (Auguste, 2008). Thus, the Ministry of Education would serve as an institution and body that supervised and coordinated the education system, and was responsible for introducing policies (Auguste, 2008).

The Minister of Education and different provincial ministers presided over the Federal Board of Education (Consejo Federal de Educación), and were responsible for the improvement and evaluation of the quality of the curriculum, teacher training, and ensured that the individual provinces adhere to these national levels set by the MECT, etc. (Morduchowicz, 2003). It was divided into 24 different subsystems - 23 provinces and the Ciudad Autónoma de Buenos Aires (Autonomous City of Buenos Aires), each of which were allotted their own administration, jurisdiction, and finances (Morduchowicz, 2003). According to Morduchowicz, this system allowed for large disparity across provinces, as well as lack of accountability and enforcement, inefficiency and general practices that lead to corrupt activities (Morduchowicz, 2003).
THE RISE IN INTERNATIONAL PRESSURE

With 100% of universal access to primary education, Argentina reached the Millennium Development Goal of achieving education access with unimpeded gender equality in schools. Argentines have enjoyed universal access to education since Law 1420, enacted in 1884 – initially pledging that education is required, secular and separate from the State (Law 1420, 1884).

Between 30th of October, and the 21st of November 2002, Law 25673 was sanctioned and enacted creating the Programa Nacional de Salud Sexual y Procreación Responsable, en el ámbito del Ministerio de Salud (Law 25673, 2002). This program aimed to promote sexual and reproductive health responsibility with adolescents and adults in order to reduce and prevent maternal and infant mortality, avoid unwanted pregnancies and the transmission of sexually transmitted infections, increase access to knowledge about sexual and reproductive health, and to increase female participation in sexual and reproductive health decisions (Law 25673, 2002).

In 2005, Law 26061 created the Ley de Protección Integral de los Derechos de las Niñas, Niños y Adolescentes. This law was produced to protect the rights of children in Argentina, despite their original nationality. It applied the clauses in the Convention of the Rights of the Child, prioritizing children and adolescents in laws and calling upon government, community, family and organizations to uphold the constituencies in this regulation (Law 26061, 2005).

Under the law, the family had the primary obligation to ensure that children and adolescents enjoy the benefits and protection of this law, including the care, development and education of the child (Law 26061, 2005).
In this tradition, Law 26150 (2006) created the Programa Nacional de Educación Sexual Integral: “all students have the right to receive a comprehensive sexual education in all public, state and private national, provincial and the city and municipality of Buenos Aires schools. These are understood as biological, psychological, social emotional and ethnic aspects” (Law 26150, 2006). In actual implementation in the classroom, the law was to be gradually and progressively incorporated over 4 years (Law 26150, 2006).

In October 2006, the City of Buenos Aires sanctioned Law 2110, Ley de Educación Sexual Integral, which confirmed the adoption of the national law for the City of Buenos Aires and guaranteed its integration in schools (Law 2110, 2006).

Law 26206, Ley de Educación Nacional of December 2006 declared the right of education a public and social good and a national priority and responsibility in the Law of National Education. Article 4 maintained that the nation, provinces, and the City of Buenos Aires have the obligation to provide a comprehensive education with the participation of civil societies and families (Law 26206, 2006). Article 5 gave power to the state, and thus the National Ministry of Education, to regulate education policies and be responsible for consolidating the nation, with respect for the provinces and the City of Buenos Aires. It will also become responsible for information and knowledge dissemination, and must guarantee financing for education through the National Education System, not to fall under 6% GDP (Law 26075, 2005).

In terms of curriculum changes, the organization returned to the original four divisions in school years outlined in detail with goals (Law 26075, 2006). Preschool would be supported by the state, with the last year newly compulsory (Law 26075, 2006). It specified that primary
education would change from nine to six years, and would remain obligatory (Law 26075, 2006). Secondary school became compulsory for 5 years and included an extra hour of class per day (Law 26075, 2006).

The latest resolution to build upon the growing tradition of sexual health education Resolución CFE Nº 45/08 (Consejo, 2008) was approved in Buenos Aires on May 29, 2008. Within this resolution, each of the previous laws and resolutions mentioned heretofore were justified within the new Law 26150 (2006). With such framework, the resolution affirmed that the Ministry of Education would implement such laws, and approve the proposal for curricular guidelines for the Education Sexual Integral (ESI) (Consejo, 2008). These guidelines (Cimmino, 2008) provided a detailed framework of the entire sexual education from kindergarten through high school, as well as pedagogical training for the teachers.

Despite all this, the quality of the educational system and declining physical infrastructure caused a series of student body occupations and protests throughout the City of Buenos Aires in 2010 (Rebossio, 2010). The declining quality of education is exacerbated by low investment in education per student, the looming need to improve the quality of training of teachers, and the mounting inequality of students (Auguste 2008). Elevated repetition rates and dropout frequencies across the nation were traditionally the consequence of socioeconomic factors such as poverty, occupational access, and adolescent pregnancies (Valente, 2013). In a focused study on dropout rates in Argentina (Lopez and Toranzos, 2013), ten percent cited familial reasons, including teenage pregnancies (Valente, 2013). This study also revealed a new factor causing high repetition and dropout rates, a lack of interest and the perception that the educational institution is not meeting their needs (Valente, 2013).
In 2012, the Ministry of Education announced more curricular changes, adding additional language hours and creating a standardization system across the nation that would remove support for electives and extracurricular activities (Sokoloff-Rubin, Emma, 2012).

These curriculum changes prompted widespread student protests throughout Buenos Aires, as previously the city enjoyed exemption from national curriculum reforms. One group that will undoubtedly suffer as a result of the curriculum changes are the technical schools of Buenos Aires. Technical schools afford high school students a fortuitous opportunity to learn trade skills and join the labor market earlier. Although many had been established for years, “with the reform in the 90s, they were abolished, and with the 2006 reform they were reinstated, what shows the typical Argentine cycle of reforms and counter-reforms” (Auguste, 2008, p. 13). This new curriculum with their specification of subjects and hours ascertained less chance for freedom and individualization as the state attempted to standardize education at a national level. The Minister of Education of Buenos Aires allowed no discussion and a formal adoption of this newfangled curriculum occurred on 10 March, 2014 for the City of Buenos Aires, (Nueva Escuela, 2014).

PEDAGOGY OF LAW 26150

As described, Argentina has a storied history of promoting education whilst maintaining a high degree of national literacy within its population. Though once celebrated as having some of the strongest numbers in literacy, enrollment rates, and other education indicators, education has sustained marked deterioration in recent years (Auguste, 2008). A principal example of failing policies can be found in the once highly celebrated National Program of Integral Sexual
Education (ESI) or Law 26150, slated to become incorporated into schools, along with an updated curriculum by 2012.

The National Program on Comprehensive Sexual Education established sexual education as a right for every child in the country from primary to secondary, and created space for programming at the university level (Law 21650, 2006).

The objectives of Law 26150, Article 3 (2006) are as follows:

a) Incorporate comprehensive sexual education into education proposals oriented towards the harmonious, balanced and permanent formation of people

b) Assure the transfer of precise, pertinent, trustworthy, and current knowledge on different aspects involved in comprehensive sexual education

c) Promote responsible attitudes about sexuality

d) Prevent problems related to health in general and reproductive health in particular

e) Seek equal treatment and opportunities for men and women

These objectives called for all levels of government to incorporate and enact this law, including the national, provincial, and municipal and city levels. It also postulated that implementation shall be socially, culturally, and ethnically sensitive (Law 21650, 2006).

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2 Original text, objectives of Law 26150, Article 3 (2006):

a) Incorporar la educación sexual integral dentro de las propuestas educativas orientadas a la formación armónica, equilibrada y permanente de las personas

b) Asegurar la transmisión de conocimientos pertinentes, precisos, confiables y actualizados sobre los distintos aspectos involucrados en la educación sexual integral

c) Promover actitudes responsables ante la sexualidad

d) Prevenir los problemas relacionados con la salud en general y la salud sexual y reproductiva en particular

e) Procurar igualdad de trato y oportunidades para varones y mujeres
According to the Ministry of Education portal (Ministerio, 2017), the strategies for Law 21650 implementation are:

- Linkages with other projects, programs and areas of the Ministry of Education to facilitate the design and implementation of strategies and comprehensive actions of sexual education to maximize the resources and results
- Intersectoral linkages with the Ministry of Health, other government organizations, CSOs, international agencies and other sectors of national life related to the Integral Sexual Education
- Linkages with all jurisdictions of the country
- Implementation of strategies with all media of mass communication

The language in the policy was extremely inclusive, stressing the need for full commitment from not just schools, but also from parents, community leaders, and the students themselves (Law 21650, 2006). In all thematic literature and media related to the policy, it was stressed that this program is a shift in philosophy that sexual reproductive health education does not equate enhanced sexuality, but the ability to relate to others – both to partners of the same or different sex, the physiological changes adolescents would experience, the psychological effects of maintaining a healthy relationship and in respecting one’s body, and the ethics and laws related to the treatment of one’s body (Law 21650, 2006).

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3 Original text, strategies for Law 21650 implementation:
- Articulación con otros proyectos, programas y áreas del Ministerio de educación para facilitar el diseño e implementación de estrategias y acciones integrales de educación sexual, maximizar los recursos y los resultados
- Articulación intersectorial con el ministerio de Salud, otros organismos gubernamentales, OSCs, agencias internacionales y otros sectores de la vida nacional relacionados con la ESI
- Articulación con las jurisdicciones de todo el país
- Implementación de alianzas y estrategias con los medios masivos de comunicación
This thematic shift in language was found in *Lineamientos Curriculares para la Educación Sexual Integral: Programa Nacional de Educación Sexual Integral* (Curricular Guidelines for Comprehensive Sex Education: National Comprehensive Sexual Education Program), an addendum to Law 26150, made in 2008 (Consejo, 2008). Here, the addendum clearly seeded and conjoined the document with recommendations found among international doctrine, such as the *Convention of the Rights of the Child*, the *Inter-American Convention on The Prevention, Sanction And Eradication of Violence Against Women*, and the *Convention on The Eradication of All Forms of Discrimination Against Women*. Doing so permitted the government to place the onus and obligation secondary to international pressure, thus creatively side-stepping any criticism from conservative groups (Consejo, 2008). The document also espoused the World Health Organization’s (WHO) definition of sexuality and leveraged this definition for the shift in construct of the policy:

“The focus adopted by Law 26150 has as a purpose that sexual education provided in schools will surpass the mere study of anatomy and physiology of sexuality, or other reductionisms, whether they are medical, psychological, judicious, religious or sociological” (Consejo, 2008, p. 8).

By routinely applying international commitments as a means for justification, Argentina resourcefully reinforced the theme of comprehensive sexual health education before the widespread implementation (Cimmino, 2010, p. 13). By defining sexuality in such terms, the law revolutionized both the pedagogical delivery and normative notion of sexuality. This policy

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4 Original text: “El enfoque adoptado por la Ley 26150 tiene como propósito que la Educación Sexual brindada en las escuelas supere el mero estudio de la anatomía y la fisiología de la sexualidad, u otros reduccionismos, sean éstos médicos, psicológicos, jurídicos, filosóficos, religiosos o sociológicos” (Consejo, 2008, p. 8).
promoted mindfulness by shifting the dialogue from closed doors to the public conscious. Gender was assertively prescribed as a birthright – a defining factor of every person – though sexual orientation and identity was uniformly developed and assumed throughout life. This language reinforced the policy, ensuring that rebuttals were challenging for the contra opined.

As mentioned, the achievement of Law 26150 is that it strove to be all-inclusive and culturally and religiously sensitive. However, what is arguably the law’s greatest achievement on paper could possibly be its greatest failure. Article 5 grants exception and discretion to those enacting the law, thereby annulling the entirety of the clauses of the law due to personal belief and discretion:

“Every educational community will include the process of building its institutional project, adaption of the proposals to its sociocultural reality, in the framework of its respect to its institutional ideals, and the convictions of its members” (Law 26150, 2006).

Although Article 5, Law 26150 consented freedoms affording educational institutions positions on morality, the two-sided language of this section dangerously endorsed educators and teachers the capacity to alter, weaken, or omit sexual education according to their own beliefs and values (Law 26150, 2006). Doing so effectively weathered the strength and soundness of sexual health education – a prescribed right for children (Law 26150, 2006) who may be unaware and powerless to demand – due to an institutional bias or personal prejudice of the educator.

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5 “Cada comunidad educativa incluirá en el proceso de elaboración de su proyecto institucional, la adaptación de las propuestas a su realidad sociocultural, en el marco del respeto a su ideario institucional y a las convicciones de sus miembros” (Law 26150, 2006).
Article 9 pronounced the need to create the space and ability for the education of parents, teachers, and other guardians, although it did not specifically elucidate the praxis of this obligation (Law 26150, 2006). Article 9 also acknowledged sexual education as a community effort: “Partnerships also need to be strengthened among schools and colleges, young people and the communities they serve. Support from parents, community and religious or traditional leaders, and young people themselves is critical in creating successful school-based HIV-prevention programs.” Furthermore, “actively involving parents and communities” proved a delimiting variable which generated more effective programming and facilitated ways to overcome resistance to the introduction of the topics within school curriculum (Law 26150, 2006).

A damaging flaw in the program design was the lack of measurable goals or targets, which would have assisted in monitoring the success of the preliminary rollout. It is possible these had been created and not shared. These outcome variables would have allowed the program to be effectively tracked, and thus enable universal transparency and effective monitoring and evaluation.

PEDAGOGY OF LAW 2110

Article 5 of Law 26150 granted judicial authority to every province to adapt the law preferentially in regards to program design, education requirements of teachers, and the selection of the resources (Law 26150, 2006). This was essential due to the decentralized nature of the education system, but also presented the negative externality of variance across schools, cities, and provinces.
Given that stipulation, in October 2006, the City of Buenos Aires sanctioned Law 2110 *Ley de Educación Sexual Integral*. This law confirmed the adoption of the national law for the City of Buenos Aires, guaranteeing its integration in schools. It also expanded upon the language, going into more detail (Law 2110, 2006).

The Objectives and Strategies of Law 2110 (2006) are as follows:

a) Promote a positive conception of sexuality in favor of the comprehensive, harmonious and full development of the person

b) Offer scientific, precise, current, and adequate data at every stage of the development of students according to the distinct aspects involved in Comprehensive Sexual Education

c) Encourage the care and responsibility in the practice of sexuality, promoting responsible parenthood and the prevention of sexually transmitted diseases.

d) Prevent every form of violence and sexual abuse

e) Promote the modification of the sociocultural stereotypical patterns in an with the objective of eliminating practices based on superiority prejudice of either of the genders (According to art. 38, of the constitution of the Autonomous City of Buenos Aires)

f) Promote the effective fulfilment of articles 11 and 23 of the Constitution of the Autonomous City of Buenos Aires (Law 2110, 2006)\(^6\).

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\(^6\) Original text, objectives and strategies of Law 2110, 2006

a) Promover una concepción positiva de la sexualidad que favorezca el desarrollo integral, armónico y pleno de las personas

b) Brindar información científica, precisa, actualizada y adecuada a cada etapa de desarrollo de los alumnos/as, acerca de los distintos aspectos involucrados en la Educación Sexual Integral

c) Fomentar el cuidado y la responsabilidad en el ejercicio de la sexualidad, promoviendo la paternidad/maternidad responsable y la prevención de las enfermedades de transmisión sexual
Another distinction, is that Law 2110 (2006) defines sexuality in their law as “…the aggregate of pedagogical activities destined in favor of the sexual health, understood as the integration of the physical, emotional, intellectual and social aspects relevant to sexuality to promote the personal and social well-being and through communication and love” (Law 2110, 2006)\(^7\).

The principles of comprehensive sexual education were defined as the following:

a) The integrity of sexuality encompasses psychophysical development, life relationships, health, culture and spirituality, and this is manifested differently in distinct people and phases in life

b) The value of communication and love as central components in sexuality.

c) The recognition of values of responsibility and the right to intimacy are indispensible elements in sexual behavior

d) The respect of diversity in sexual values

e) The rejection of all practices of sexual coercion or exploitation and all forms of abuse and sexual violence

f) The recognition and value of the right of children, adolescents, young people to especially be loved, protected and cared for

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\(^7\) “La Educación Sexual Integral comprende el conjunto de actividades pedagógicas destinadas a favorecer la salud sexual, entendida como la integración de los aspectos físicos, emocionales, intelectuales y sociales relativos a la sexualidad, para promover el bienestar personal y social mediante la comunicación y el amor” (Law 2110, 2006).
g) The recognition of gender perspectives in the terms of article 38 of the constitution of Buenos Aires

h) The recognition and value of families as the sphere of care, and formation of children, adolescents and young people (Law 2110, 2006).  

The language and terminology in Article 4 suggested heavy influence by the Catholic Church, which campaigned for the pedagogy to be grounded in spirituality and the realm of intimacy and the family.

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Principles of comprehensive sexual education, Law 2110, 2006

a) La integralidad de la sexualidad abarca el desarrollo psicofísico, la vida de relación, la salud, la cultura y la espiritualidad y se manifiesta de manera diferente en las distintas personas y etapas de la vida

b) La valoración de la comunicación y el amor como componentes centrales de la sexualidad

c) El reconocimiento y la valoración de la responsabilidad y el derecho a la intimidad como elementos indispensables en los comportamientos sexuales

d) El respeto a la diversidad de valores en sexualidad

e) El rechazo a toda práctica sexual coercitiva o explotadora y a todas las formas de abuso y violencia sexual

f) El reconocimiento y la valoración del derecho de las niñas y niños, adolescentes y jóvenes a ser especialmente amados/as, protegidos/as y cuidados/as

g) El reconocimiento de la perspectiva de género en los términos del art. 38 de la Constitución de la Ciudad Autónoma de Buenos Aires

h) El reconocimiento y valoración de las familias como ámbito de cuidado y formación de los niños/as, adolescentes y jóvenes
CHAPTER IV
UNPACKING POLITICAL WILL

A useful consideration during public policy analysis is to differentiate between political will, and political ability. Political will is often difficult to define because of an inherent disconnect amid intention, action, and outcomes.

One such action is to evaluate budgetary commitments and expenditure, although one must try to consider all actors that might also impede this, and the lack of political capacity to administer it. Another is to look for public declarations, or to other media sources related to the dissemination of concerning dialogue. Finally, a state must have an enabling political environment – there must be strong and independent government institutions, cooperation and participation of civil societies and other stakeholders with public goals and the collective capacity to change and adapt (Brinkerhoff, 2010). Although Brinkerhoff’s document is based upon the concept of enacting anti-corruption policies, it is prudent to consider that both inefficiencies and ineffectiveness is also a form of corruption. It accrues economic consequences such as lost time, labor and other resources, whilst driving capital from other needed expenditures.

In the 2000 Millennium Development Declaration, the United Nations recognized that achieving the MDGs and reducing poverty included rigorous work by governments, international agents, and civil society to promote good governance, increased transparency, adaptation of specialized programs to assist countries in need (such as debt forgiveness and special trade relationships), and increased partnerships though high-level commitments (UN, 2000):
“Success in meeting these objectives depends, inter alia, on good governance within each country. It also depends on good governance at the international level and on transparency in the financial, monetary and trading systems. We are committed to an open, equitable, rule-based, predictable and nondiscriminatory multilateral trading and financial system”

Unfortunately, the rollout of Argentina’s National Sexual Education Program was anything but transparent.

The first main challenge to passing the legislation for sexual health education was not merely the personal prejudice of politicians, nor the lack of organization within the system, Christianity, or other conservative blocks – but a combination and variation of each aforementioned force. These challenges have since matured through different means, although each has historically been the principal powerbroker throughout different moments since the public policy was first introduced. Other challenges include budgetary availability and implementation, and the identification and application of incentives and sanctions with stakeholders, particularly educators.

UNPACKING POLITICAL WILL: ACTORS

Throughout the development of the Program for ESI, there were several instances in which the main actors implementing the program admitted the difficulty of the task. In a policy brief released by the Anti-Corruption Resource Center, political will was defined as: “the commitment of actors to undertake actions to achieve a set of objectives … and to sustain the costs of those actions over time” (Binkerhoff, 2010, p. 1). Political will is then usually observed by analyzing different actors’ speeches to define commitment, and actions to measure it further.
When these actors cannot deliver, one may think that it may be derived from the lack of political will, though it is imperative to also review the actions of competing actors, or any pressures upon the individual, such as international commitments that may influence, or prevent policy implementation. Brinkerhoff (2010) reinforced this concept by suggesting that political will is a product of interpersonal relationships as well as external influences and factors in society, politics and economics.

Margaret Levi introduced the idea of looking at the State as a group of “constrained rational actors who face collective action problems and opportunity costs, yet have only relative bargaining powers and must consider the transaction costs of their policies” (Levi, 2002, p. 37). Furthermore, these actors constitute a web of interpersonal groups who influence and constrain each other, and thus the state as a whole (Levi, 2002, p. 37). Actors thus cannot whimsically act on their desires, nor the desires of the people they represent without consequence.

Barbara Geddes defined politicians and bureaucrats “as rational individuals who attempt to maximize career success” (Geddes, 1994, p. 7). An individual’s personal interests are separated from the desire to further state and representative interests because of concern with the future of their careers. Actors will take action in the state’s interest when it benefits or at least does not hinder their own interests (Geddes, 1994, p. 8). Similarly, whether or not an actor may take the first action to actually push for reform can also be observed at micro-level, minimizing the influences of international forces in modern statist theory and allowing room for domestic issues (Geddes, 1994, p. 9).

Legislators depend on being elected, and are constrained by term limits and their future chances at getting elected. As such, their focus is usually on “quick results and immediate
rewards” (Geddes, 1994, p. 13). State bureaucrats think first of their security in a party, since they are appointed by high-level decision makers (Geddes, 1994, p. 13). In the case of Argentina, and this policy in particular, political decisions are weighed against the dominant political party of the president. Some actors enjoy their power by sitting in its shadow and others by serving as the opposition. Having allies in high places may also provide a degree of political autonomy and insurance in proceeding with different controversial policies. Levi echoed this idea in that the predation of rulers “is subject to the constraints of their relative bargaining power, their transaction costs, and their discount rates (Levi, 1994, p. 44).

In terms of political ability, Geddes does not forget the role of the State. In order to actually implement a policy, an actor needs the support of an organized, effective and efficient institution. Many policies fail not as a result of political will, but rather as a result of “a lack of state capacity to accomplish the tasks involved in state-led change” (Geddes, 1994, p. 15).

There are distinct mechanisms to analyze political will versus ability, such as government initiative from decision-makers with special consideration of external pressure, sound choices of cost-effective policies, mobilization of stakeholders to engage legislators and civil societies, including private sector and other politicians (Brinkerhoff, 2010) Brinkerhoff also elucidated that public commitment and practical allocation of resources would offer continuity of effort over time while both learning and adapting during the process (Brinkerhoff, 2010, p. 2). Although the ESI program was a relatively new policy, the dynamics between the involved actors revealed their ability at implementing the program in consideration of the support and opposition faced.
A POWERFUL PROPONENT: ALBERTO ESTANISLAO SILEONI


As a state bureaucrat, Sileo’s appointment was contingent on high-level decision makers though his party has been favorably in power since 2003. He was part of the Frente para la Victoria, which is a Peronist party to which both former President Nestor Kirchner, (2003-2007), and his wife, President Cristina Fernandez de Kirchner (2007-2012) belong (CIA, 2016). As Secretary of Education, Sileoni supported the cabinet of National Minister of Education Daniel Filmus, 2003-2007, who was affiliated with the Frente para la Victoria and thus was chosen by Kirchner.

Sileoni was promoted to Minister of Education of the City of Buenos Aires in March 2006 (Alberto, 2017) when Jorge Telerman assumed the role of the Head of Government of the City of Buenos Aires (Alberto, 2017). As the Minister of Education of the City of Buenos Aires in 2006, Sileoni led the charge for sexual health education.
When Telerman ran for city reelection in 2007, his opponents were Mauricio Macri, and Filmus, who was nominated by President Nestor Kirchner. Deciding not to compromise his party alliances by working for his former boss’s opponent, Sileoni resigned his post as the Minister of Education of the City of Buenos Aires, and was reassigned back to his previous post with the National Ministry of Education (El Ministro, 2007), where he was then nominated as Federal Minister of Education by President Cristina Kirchner in July of 2009 (Sileoni asumió, 2009).

During his tenure as National Minister of Education, there was a vast scale-up of events concerning the rollout of the sexual education program. This suggests that Minister Sileoni often served as the voice of opposition to the main conservative and Catholic movement against the program. This served as an indicative trend towards a more powerful and unified central education institution, as Sileoni has been the force behind the curriculum changes. He had repeatedly declared his commitment, and his tenure is adorned with great progress in documents, conferences and workshops in an attempt to roll out the program. His commitment could be a product of his political shelter as he is supported and allied with the President of the Republic.

It is important to note Sileoni’s long-term commitment to sexual health education, and to universal education. When he was appointed, he revealed his ambition to continue with high school reforms and to take the initial steps as the minted Federal Minister of Education in completing previously held commitments from lower office (Sileoni reemplaza, 2009).

**CONGRESS: LACK OF CONSENSUS**

Juliana Marino first introduced sexual health education in Congress at the end of 2002. As an Independent Peronist, her proposal called for a comprehensive look at sexual and reproductive health, as well as sexuality, eating disorders, and violence amongst more common
public health concerns. The project was well positioned, considering international pressure due to the Millennium Development Goals, and the Programa Nacional de Salud Sexual y Procreación Responsable, yet in despite of the strongly favorable political ecos, the project did not pass (Redacción, 2002).

By the end of 2004, sexual health education was back on the agenda for Congress. The consensus amongst legislators was nearly unanimous that sexual health education should be taught in schools though concerns surrounding when it should be taught, the angle it should be taught from such as reproductive education, prevention of sexually transmitted diseases, or more holistic regarding sexuality and other issues concerning gender and adolescence (Terán, 2014). During the debate, there were two different blocs.

The first bloc, was led by Ana María Suppa, and Diego Kravetz, both of Frente Para La Victoria, who together advocated for a holistic response that would be obligatory in both private and public schools. A feminist, teacher, and politician who had supported Molina in the primary push, Suppa has had a long career in politics in Buenos Aires in the scope of women and gender issues (Carabajal, 2004). Suppa led the charge on the legislation approval of 2004 and overtime was very vocal with identifying the obstructions in implementation (Carabajal, 2004).

The second conservative bloc, consisting of Santiago De Estrada, Jorge Enríquez and Juan Carlos Lynch of Juntos por Buenos Aires, represented the voice of the Church and advocated that the programming should be up to the school and should respect religious decisions. Another suggestion was that each school should form a working group with parents to help develop the curriculum in conjunction. Allegedly, De Estrada had once said that the law would be sanctioned “over [his] dead body” (Carabajal, 2004). Another allegation was that
Cardinal Jorge Bergoglio of Buenos Aires personally communicated with Mauricio Marci, the Head of Government of Buenos Aires, asking him to arrange the stalemate, because this would potentially serve as a catastrophic incident for the Church (Carabajal, 2004).

The Official Statement from the Secretary of Education of Buenos Aires was that although they supported the program, curriculum and content decisions ultimately belong to the state:

“The Buenos Aires Secretary of Education agrees that a sexual education law is enacted, but it believes that it should not be the legislators who choose the content, rather that should stay in the hands of the Executive Power” (Terán, 2014)\(^9\)

The statement declined to identify the specific actor from the Secretary of Education.

In the end, the conservatives blocked the legislation, and the bill failed (Carabajal, 2004), despite survey results that signaled that 98% of people from the City and Province of Buenos Aires supported sexual education in high schools, and that 92% supported sexual education in primary schools (Terán, 2004). Ana María Suppa was still pleased by the process and felt it was successful by putting the theme on the agenda (Carabajal, 2004)\(^10\)

In 2006, it seemed much more probable that there would be a national law for sexual health education in schools. The National Minister of Education, Daniel Filmus announced that he would be pursuing a new law for education (Casanovas, Respaldas 2006). Sileoni in his

\(^9\) “La Secretaría de Educación porteña está de acuerdo en que se promulgue una ley de educación sexual, pero cree que no deben ser los legisladores los que fijen los contenidos, sino que eso debe quedar en manos de Poder Ejecutivo” (Terán, 2014).

\(^10\) “Obligamos a De Estrada a presentar un proyecto. Pusimos el tema en la agenda y los hicimos hablar de educación sexual” (Carabajal, 2004).
capacity as the Minister of Education of the City of Buenos Aires announced he would propose a law for sexual health education, and Filmus added his support, “I agree that there should be sexual education in schools and that it is part of a consensus” (Casanovas, Respaldas 2006)\(^\text{11}\).

Yet the constituencies remained divided on how the actual law would read. One theme that reoccurred was whether or not it should be a law for all schools, or just public schools. Other themes involved the active permission of the parents, as well as curricular license and freedom for the educators in the field. Or it could be contended that the biggest issue may have been to decide how much power the state would actually hold.

Daniel Filmus, National Minister of Education (25\(^{\text{th}}\) May 2003 – 10\(^{\text{th}}\) December 2007), announced a call for proposals for the sexual education program in the beginning of 2006. As of June 2006, he had 9 different proposals from different sections and representatives of political parties, ranging from comprehensive development of kindergarten through high school, and a special seminar for parents (Casanovas que, 2006). Once again, Suppa proposed a holistic response. Once again, Estrada and Enríquez stressed the importance of the family in the context of love with the option for parents to withdraw their children from the program (Casanovas que, 2006). It was unanimously approved on the 17\(^{\text{th}}\) of October 2006.

By November 2006, a survey revealed that 60% of teachers of in the City of Buenos Aires, were little to not at all ready to teach sexual education, revealing that many felt capacity training was necessary (Casanovas education, 2006). It was agreed that this was a difficult theme and that workshops were necessary (Casanovas education, 2006).

\(^{11}\) "estoy de acuerdo en que haya educación sexual en las escuelas y que sea a partir de un consenso" (Casanovas, Respaldas 2006).
The school year opened in March 2007 with the new curriculum, finalized in 2006 (Casanovas, 2007). This curriculum readjusted the primary and secondary school years and included the National Program for ESI (Casanovas, 2007). However, before implementation could occur, the National Ministry of Education would have to work with each Provincial Ministry to formulate a schedule and set of performance goals, to be agreed upon with the National Minister of Education, Daniel Filmus (Casanovas, 2007). The Ministry of Education for the City of Buenos Aires declared their commitment and that the Buenos Aires law content would begin implementation that year (Casanovas, 2007)\(^\text{12}\).

In April of 2007, the Provincial Government of Cordoba suspended the implementation of the National Program for ESI until 2008 because the Province was not ready to implement the program (Andrada, 2007). The rationale was that the instructions were not included in the plan for teacher training nor the education guidelines because the Provincial Minister of Education, Eduardo Mundet had not received them in time from the National Ministry of Education (Andrada, 2007). The National Minister of Health, Ginés González García retorted that it’s something that is easy to teach, and that every teacher should be able to do so, reproaching the action (Andrada, 2007). This drew criticism and attention to the high expectations and lack of support for teachers in the province.

This simple action was a very clear showing of the lack of understanding of even those with high posts in government, in this case the Minister of Health. She was insensitive to the discomfort that teachers may have to face in the subject, as well as the breadth of material that is

\(^{12}\) “La ciudad tiene su propia ley y se empezarán a dictar los contenidos este año. Y respecto de la doble jornada, priorizaremos este año su extensión a los distritos del Sur” (Casanovas, 2007).
actually covered in the guidelines. It also revealed the lack of organization at the time of inauguration. There were no plans or targets publicly available for this program, which means it is not clear whether they did indeed exist.

At the end of 2008, the Ministry of Education met to discuss the progress, or lack thereof. The facts presented were sobering; only 60 schools in Entre Ríos Province had the program despite a provincial law passed 5 years before, and with renewed political commitment 3 years before (Carabajal, 2008). Ministers from some provinces failed to appear (Carabajal, 2008). There was surprising support for the program, 90% of all teachers interviewed were in favor of the program, yet half felt unprepared to teach (Carabajal, 2008). Although the program was more successful in high schools, it was nearly nonexistent in primary schools (Carabajal, 2008).

A September 2009 survey of almost 500 primary and secondary students found that 51% of students interviewed had never had a class on sexual education in 2008; of those who did, about half had it only once.

Sileoni, Secretary of the National Ministry of Education at this time, identified three reasons for the lack of implementation: conservative resistance, lack of political commitment or interest in provincial governments, and lack of ways to speak to parents (Ríos, 2009).

In 2007, Filmus ran for Head of Government of the City of Buenos Aires and the city squandered another opportunity for program implementation. This could suggest another instance of the absence of political will, or perhaps the elections proved too great of a distraction for the new administration. Furthermore, Filmus’ lack of support or commitment may be heightened by the difficulty in convening alongside other Provincial Ministers, or that the interpretation was that the program rested in Sileoni’s jurisdiction as the resident expert. In terms
of outreach with the parents, there was also a dearth of information in the newspapers in 2007 and 2008. As a universal modus of civic outreach, this was another considerable misused opportunity for stakeholder participation and involvement.

**A FORMIDABLE OPPONENT: THE CATHOLIC CHURCH**

One of the main oppositions to Law 26150, as well as the integration of the ESI into the national curriculum is the Catholic Church. When discussion began about a national program to be instituted in both private and public schools, including catholic schools, the Church protested strongly.

As early as 2004, the Church’s position on the curriculum has been that if there must be sexual health education, the school should have it developed, and the state should not intervene (Terán, 2004). This supported the author’s notion of the Church’s influence as a recurring theme of leveraging influence to derail the legislation in 2004.

In 2008, Monseignor Aguer, the Archbishop of La Plata and Director of The Catholic Education Commision of the Episcopate (Comisión de Educación Católica del Episcopado), led a delegation to meet with the Governor of the Province of Buenos Aires, Daniel Scioli (Quejas, 2008). The Church’s grievances were that the Program for ESI was lewd and did not stress the importance of responsible sex in the context of family, love and responsibility (Quejas, 2008).

The Governor’s response was simple: “the Buenos Aires schools will continue to teach all the themes, including the legal contraceptive methods in Argentina. Ignorance will always bring problems” (Quejas, 2008).13

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13 “Las escuelas bonaerenses continuarán enseñando todos los temas, incluidos los métodos anticonceptivos legales en la Argentina. La ignorancia siempre trae problemas” (Quejas, 2008).
Alberto Sileoni was elected as the Minister of Education of Argentina on the 23rd of July 2009 (Sileoni, asumió, 2009). Sileoni wasted little time getting to work, releasing a controversial 302 page manual designed for teachers facilitating pedagogical discussion and uncovering themes that may arise when teaching and discoursing gender, sexuality and sexual reproductive health a week later (Smink, 2009). The color manuals were mostly a compilation of articles about the prevention of HIV & AIDS, sexual education, and human rights written by Argentine and foreign experts, and included interactive games that directly confronted common myths and prejudices (Smink, 2009). Sileoni incorporated outside collaborators and financers, such as UNAIDS, and WHO (Smink, 2009), while admitting that though the Church readings were not included in the document, religious leaders were included in crafting the document, which was originally produced and began dissemination in 2007 to those undertaking teacher training (Smink, 2009). This document reached 5,000 secondary school teachers, yet ministers from other provinces admitted to not actually using the document (De Vedia, 2009).

The Church responded with open criticism for the Program in a series of public statements and letters, heralded by Monseignor Héctor Aguer and backed by Cardinal Jorge Bergoglio of Buenos Aires (Roullion, 2009). Aguer charged the most recent document of being totalitarian and neo-Marxist while sustaining the uniform criticism of its lack of consideration for family, love and ethics (Roullion, 2009):
“A reductionist vision, without reference to love or ethics; constructionist because it ‘detests the distinction and complementarity of the two sexes’, and neomarxist because it interprets sexuality ‘according to the dialectics of power’.”

According to Aguer’s open letter, sexuality in power relationships was conditional on socioeconomic situation, education, and the customs and values of a person (Aguer, 2009, p. 3). There was no reference to the ethical and spiritual, and the document lacked references to abstinence as an option, instead suggesting the condom as a one of the only options (Smink, 2009). It also suggested upturning traditional gender roles in reference to “any type of family” without regard for the female role in reproduction and in her “natural maternal role” (Aguer, 2009, p. 4). The ‘neo-Marxist feminism’ in the document has the audacity of promoting the empowerment and liberation of females, something the Church sees as a confrontation to the natural order of the unity in love of man and woman.

Another criticism made by Aguer is that the document presents gender as an “historical and sociocultural construction” (Aguer, 2009, p. 1), one which completely disregards biology. Aguer condemned the fact that a person might be able to change gender or sexual orientation according to “fantasies and personality disorders” (Aguer, 2009). Aguer also cited the lack of reference to love as a destructive power to the unity of family, matrimony and responsibility (Aguer, 2009). The declared right to sex and the liberation of sexuality contained in this law and its teachings failed to teach the path to responsibility, love, marriage and family, all critical to

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14 “Una visión reduccionista, sin referencia al amor y la ética; constructivista, porque ‘detesta la distinción y complementariedad de los dos sexos’, y neomarxista, por interpretar la sexualidad ‘según la dialéctica del poder’” (Roullion, 2009)

15 “fantasías y sustrastornos de personalidad” (Aguer, 2009).
church doctrine and Christian sentiment, a national tradition of “the majority of our people” (Aguer, 2009, p. 5).  

His final criticism was that the rhetoric was an infringement on schools’ autonomy and parental control over their children’s education and awareness (Rouillon, 2009). He concluded that there was no room for opinion or choice for either student or teacher who may not agree with the content if it did not fit with their ideology (Aguer, 2009, p. 5).  

The Vicar of Education of the Buenos Aires Archdioceses maintained that the complaint had to do specifically with this document, and that although the Church had been present in the discussion and formation of the content developed in 2007, this document had not been approved and had strayed away from what had been agreed (La voz, 2009). Apparently the Church felt left out, since they had not been contacted for approval.  

In his response, Sileoni continually referred to Law 26150, stating it was the Ministry’s responsibility to provide these documents and roll out the program: “La Ley es ley” (El Inadi, 2009). Sileoni affirmed that the document was not up for discussion, was created for teachers, and thus contained different important texts to formulate discussion and prepare teachers for the difficult task of presenting sensitive topics in schools. El Inadi, 2009). Silenoni referred to the nation’s emphasis and dedication to providing education, especially science and key knowledge to prevent common problems such as unwanted pregnancies, sexual diseases, and child abuse. Teaching sexual health education in schools also removed the onus of the parents from having to have difficult conversations with their children. Regarding inclusion of church doctrine: Silenoni declared that it just wasn’t compatible with modern scientific facts (Rouillon, 2009):

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16 “la mayoría de nuestro pueblo” (Aguer, 2009)
“The so-called religious neutrality, the school laicism… is not compatible with the imposition of a constructivist and atheist dogma that results in a species foreign to secular religion, foreign to the national tradition and the Christian sentiments of the majority of our people” (Rouillon, 2009)\(^{17}\).

Sileoni recognized the opinion of the Monsignor as one which was “well-known”, and retorted that the Ministry imparted values of “love, respect for one another, respect for the interior of people and their ideas” (Rouillon, 2009)\(^ {18}\).

In her reaction to the response of the Monsignor, Mirta Marina, the Coordinator of the Programa Nacional de Educación Sexual Integral, recognized that the Ministry has opponents and that the implementation of the law is a difficult task, but one they will not shy away from:

“We know that enforcing the law is a challenge, and there is still resistance, but we had hoped to discuss why we are doing this today, not because a material that we do not deny, but because it belongs to another stage” (Rouillon, 2009)\(^ {19}\).

In 2011, this fight became more political, when Aguer directly challenged the Minister of Education and the Kirchnerist party by calling upon Catholics not to vote for Cristina (Aguer, 2011). This could potentially be a very serious setback for politics, if widely disseminated and campaigned for as Argentina is 92% Roman Catholic, although only 20% practice (CIA, 2016). Aguer accused Kirchnerists of causing an “educational setback” and called on voters to use their

\(^{17}\) “La tan mentada neutralidad religiosa, el célebre laicismo escolar…no es compatible con la imposición de una dogmática constructivista y atea que resulta una especie de religión secular, ajena a la tradición nacional y a los sentimientos cristianos de la mayoría de nuestro pueblo” (Rouillon, 2009).

\(^{18}\) “el amor, el respeto al otro, el respeto a la interioridad de las personas y sus ideas” (Rouillon, 2009).

\(^{19}\) “Sabemos que hacer cumplir la ley es un desafío y sigue habiendo resistencias, pero esperábamos discutir por lo que estamos haciendo hoy, no por un material del que no renegamos pero que pertenece a otra etapa” (Rouillon, 2009).
vote to elect someone who would remedy this and the proliferation of crime. He called the state inept and incapable (Aguer, 2011): “If we feel strongly that the State isn’t capable of taking care of the life and wellbeing of the population, we will look for whomever can offer us an alternative” (Aguer, 2011).20

Sileoni scoffed at these remarks, defending the Kirchners and challenging Aguer to offer an alternative candidate (Duro, 2011). Sileoni also reaffirmed his commitment to providing equitable education of enhanced quality (Duro, 2011). In the 2011 elections: there was a lack of strong opposition, and Cristina Kirchner won with over 50% of the national vote (CIA, 2016).

Sileoni (2012) recognized that there was a place for the Church alongside education, even in the case of sexual education. At the opening of the Institutional Training Conference for ESI in September of 2012, he still firmly maintained that the curriculum would not change, and furthermore confirmed that teachers could stand strongly upon the foundation and protection abided for teaching ESI (Sileoni, 2012). The conference took place in Salta, a highly religious province with very high levels of teenage pregnancy.

CONSIDERATIONS OF CHURCH AND STATE

These incidents with the Church display the importance for the state to pass a law regarding sexual health education. Not merely to have sexual education integrated into the national curriculum, but in each of the instances above, the law was the sole argument used to counter each of the Church’s complaints.

A notable feature of the relationship between Church and State is that the Argentine State pays the salary of Bishops. It is possible that the state-funded process will be terminated soon,
but as of 2013, Law 21950 from March of 1979 that was imposed during the Dictatorship was
still effectively in practice. This law stipulated that high clergy, such as Archbishops and Bishops
with jurisdiction of Archdiocese etc., would receive a salary equal to 80% of that of a high
ranking national judge (Law 21950, 1979). Cardinals were not required to pay taxes, nor social
security or pension, which was all subsidized by the state (Toro, 2013). Curiously, the salary of
high clergy was legislatively linked to that of a judge – an independent third balance check of
government. One may posit then the Church serves as a fourth check and balance, taciturn or
otherwise?

The existence of the Church in state politics was initially endorsed by Article 2 of the
National Constitution of both 1853 and 1994, which acknowledged that the federal government
will support the salaries (Law 24430, 1994) of the clergy. Another important distinction is that in
the original Constitution of 1853, the President and Vice-President had to be either born in, or
the child of a native Argentine and had to be Catholic according to Article 76 (Constitución,
1853). The President also had the duty to elect the Archbishops and Bishops (Constitution, 1853)
though this practice was changed in 1966 in an agreement between the Republic of Argentina
and the Holy See (Conventio, 1967). In this agreement, the power of selecting clergy was
transferred back to the Vatican and Archdiocese – although still clandestinely approved by the
government (Conventio, 1967). By 1994, the President was no longer required to be Catholic per
Article 89 of the Constitutional Reform (Law 24430, 1994).

These incidents reflected the presence and influence of the Roman Catholic lobby in
politics and the extent to which it was willing to interfere. Thus, not only did the Church have the
platform to complain when policies were not congruent to its doctrine, but felt obligated when it was not consulted over the content of current documents.

Nonetheless, recall the original law of education, which stated that religious education is optional in schools (Constitution, 1853). Besides the short period in the middle of the century, when religion became merged with the curriculum, it held no standing in the contemporary school curriculum, and only appeared in Catholic schools. This curricular insurgence of faith may have been due to forced piety during the dictatorship that turned the nation away from accommodating Church doctrine in general practice and brought about the extreme changes towards a liberal and healthy approach to sexuality. Of course, one must not discount the progress and momentum influenced by international commitments such as those made through various United Nations conventions. However, in the extent of laws that Argentina has passed in such a short time, including being at the forefront of marriage equality and leading the charge on gender rights, it is apparent there is enthusiasm for bringing change in Argentina. That said, abortion is still illegal in the country, it is still declaredly Catholic, and the Church is still able to lead vigorous campaigns against state laws. It may be noteworthy to observe what influences the Argentine Pope will have had in the nation’s developing agenda for human rights.

UNPACKING POLITICAL WILL: FISCAL OBLIGATIONS

Since being signed into law, Ley 26150 has seemed like it was doomed to fail, with budget expenditures staying steadily at between 0 – 6 %:

“According to the Argentine Association of Budgets and Public Financial Administration, in the third trimester of 2009, it spent only 5.6% of the budget for
sexual education, and of the 1.23 million pesos assigned to the second trimester of the year before, Macri didn’t implement a cent” (Sarmiento, 2010).21

The Ministry of Education provoked further outrage when information became public that the City of Buenos Aires disbursed only 1,586 pesos of the 2,086,000 pesos budgeted for programs of sexual education (Geddes, 2010; Sarmiento, 2010). This prompted outspoken dissent from a multitude of stakeholders.

In September 2010, Jorge Marolla, a public accountant in the city of Buenos Aires, presented his analysis of the budget administration by the Ministry of Education based on expenditures reported June 2010 (Marolla, 2010). Cognizant that this report may be the foundation of political bias due to various party allegiances, it is still useful to consider Marolla’s analysis of the budgeted line items and compare them with the actual expenditure, dividing it by sector and project. He reveals large gaps in each of the ministry’s budget allocation and expenditure (Marolla, 2010). He postulated that the lack of political ability may be hindrances from the involvement of the Catholic Church, or the lack of political will from the government and environment of Mauricio Macri (then head of government, Autonomous City of Buenos Aires) (Marolla, 2010).

However, various charges of budgetary malfeasance were not the only complaints against the government of Macri. Other allegations revealed that there were five different education programs that were stalling at the time of inquiry (Geddes, 2010). Specifically for the case with

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21 “Según la Asociación Argentina de Presupuesto y Administración Financiera Pública (ASAP), en el tercer trimestre de 2009 se gastó sólo el 5.6% del presupuesto para educación sexual, y de los 1,23 millones de pesos asignados al segundo trimestre del año pasado, Macri no ejecutó ni un centavo”
sexual education (Geddes, 2010), it was decried that the Catholic Church was a clear obstruction in certain regions of the country (Geddes, 2010).

Another complaint blamed restructuring in the Ministry for eliminating critical posts and thus negatively affecting capacity. It was also noted that the level of teacher training was markedly reduced and not offered in catholic schools:

“Another complaint from the organizations was the governor, Mauricio Macri’s decision to suspend the program Sexuality, Gender and Rights, and pass it to the orbit of Education. This reduced the number of workshops by 80%. From a total of 1000 schools, it was only taught in 12. None in catholic. And in respect to the General Direction of the Eva Duarte Home, specializing in sheltering young pregnant women, it was closed last December” (Sarmiento, 2010).22

Both of these appear to be indications of insufficient labor capacity, or perhaps an inability to govern such a large entity. Also expected, is the interference of religion in politics.

The Minister of Education, Alberto Sileoni admitted that implementing the Sexual Health Program was particularly difficult (Defendió, 2012). As of August 2012, the Teacher Capacitation planned to cover 30,000 schools in the next four years, with 7,000 in 2012 alone (Defendió, 2012).

Congress then solicited a formal request for information to the Executive branch to facilitate the transfer of information in June 2010 (Martinez, 2012). This transcript notes that the

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22 “Otra denuncia de las organizaciones fue la decisión del jefe de gobierno Mauricio Macri de suspender el programa Sexualidad, Géneros y Derechos, y pasarlo a la órbita de Educación. Esto redujo el número de talleres en un 80%. Sobre un total de 1000 escuelas, se dictan en sólo 12. Ninguna católica. Y en lo que respecta a la Dirección General de la Mujer, el Hogar Eva Duarte, especializado en albergar jóvenes embarazadas, fue cerrado en diciembre del año pasado” (Sarmiento, 2010).
Ministry of Education’s program had passed the maximum time allotted for implementation (four years), and it requested this update, which they failed to receive (Martinez, 2012).

The difficulty of a federal system is in where its mandate lies. The Ministry of Education sets standards in curriculum and levels of budget for government spending on education. It also by law must allocate 6% of the national budget to education, which will then be allocated and transferred to the provinces. Then, the provincial bodies become responsible for implementing the curriculum, for training teachers, and spending that money.

Currently, Mauricio Macri is the 57th President of Argentina who assumed office December 2015, previously serving as the Chief of Government of the Autonomous City of Buenos Aires (CIA, 2016). Originally from Tandil, he attended Catholic primary and secondary school, and graduated from the Catholic University of Argentina in civil engineering (CIA, 2016). He was elected the President of the Boca Juniors Club from 1995 – 2007 located in La Boca, Argentina (CIA, 2016). He became involved in politics in 2001 during the financial crisis, founding the Grow and Grow Foundation (Fundación Crecer y Crecer) (CIA, 2016). The mission of the foundation was to develop, design and execute public policies in searching for solutions to problems for the City of Buenos Aires, and the Republic of Argentina (CIA, 2016). He ran for governor but lost in 2003. In 2004 and 2005, his party became the majority in Congress, and also became the chief opposition to the leading party in the City of Buenos Aires (CIA, 2016). He focused on supporting his party and gaining control of the city (CIA, 2016). He became Deputy of the City from 2005 – 2007 under the Propuesta Republicana Party (PRO). In 2007, he beat Daniel Filmus to become the Jefe de Gobierno de la Ciudad de Buenos Aires – the highest
position in the City’s Government. He beat him again in 2011, his last term before being elected to President of Argentina (CIA, 2016).

It is important to draw a few inferences from his bio to judge his political will, and ability. Firstly, he went to Catholic school his whole life and was the Chief of the Boca Juniors (CIA, 2016). Boca Juniors has a considerable following, which garnishes a lot of support and votes. Second, he clearly stated that his goal was to form an opposition against the city (CIA, 2016). Thirdly, he plainly shows his political intentions, pressures and goals – to support his party, and unite with other legislators to form a block, ensuring party strength. He also aspired to achieve the highest post possible in government.

The strength of the PRO in 2004 and 2005 coincided with the years the sexual education program failed to pass in legislation. Ana María Suppa wrote in an editorial to Página 12 boldly stating that the empowerment of the subject through rights, gender perspective, and responsible sexuality, attacked the “machismo” thorough which Macri and his contemporaries obtained their power (Suppa, 2011). She accused Macri and his followers of uniting to block the legislation when she attempted to pass it initially (Suppa, 2011). Suppa also alleged that Cardinal Bergoglio personally called Macri and requested his help in uniting a front to block the legislation (Carabajal, 2004). After the legislation passed, the opposition changed strategies to deliberately block the implementation of the law (Suppa, 2011)

After an internal audit of the Ministry of Public Health, it was found that the City of Buenos Aires had scarcely used the amount budgeted for the execution of the program (Sarmiento, 2010). In the second quarter of 2009, 0% of the 1.23 million Argentine Peso budget was implemented, and only 5.6% of in the third quarter of 2009 (Sarmiento, 2010). In the first
María Elena Naddeo, a legislator representing Buenos Aires accused Macri and his party of political malfeasance: “It is not an error, it’s the political decision of the PRO” (Sarmiento, 2010).

Following further investigation by Naddeo – who specializes in issues related to women, infants, adolescents and youth, as well as education and gender rights (Maria, 2017) – it was found that Macri began implementing the program by suspending the programs that had been in place by the Sexuality, Gender and Rights in name of the new law which had to be implemented by the Ministry of Education (Naddeo, 2010). He then scarcely consumed any of the budget over the next few years, and there was no specific line item for sexual education in the 2011 budget. In 2011, only 50,000 pesos were assigned for the program (Suppa, 2011).

From a slideshow showing progress of the City of Buenos Aires and revealing news about the 2013 budget, there was not one mention of the program (Diseño, 2013). The problem with Macri’s implementation of the program in the City of Buenos Aires is not that of political will, or political ability. He lacks both, very clearly.

UNPACKING POLITICAL WILL: TEACHERS

When creating and implementing a sexual health program, it is imperative to design it specifically to the school system / environment of the students and shareholders. As the paper Teachers and Sexual Education suggests, students arise from diverse economic backgrounds, with dissimilar levels of violence, love, access to information and parental involvement (Re, 2008). As previously mentioned, a product of a shifting society is the varied definition of what a

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23 "No se trata de un error, es la decisión política del PRO" (Sarmiento, 2010).
family is – the rise of single parenting, parenting by a grandparent, older sibling or guardian, having two parents of the same sex, the size of the family, whether it is nuclear or extended, etc. There are also values within the family, such as religion, standing, and level of education - all factors that affect a child’s upbringing (Re, 2008, p. 6).

In *Docentes y Educación Sexual: Un papel en constante construcción* por la Fundación para estudio e investigación de la mujer (FEIM), the role of the educator was addressed in implementing sexual and reproductive education (Re, 2008). As the paper suggested, fashioning together the law is but one step, but it is the teachers who must categorically adopt, adapt and implement the program in the classroom (Re, 2008).

FEIM deconstructs the three categories of attitudes found among teachers: those who have always talked about sexuality and reproductive health education in the classroom, even calling for parental involvement or open-mindedness; those whose silence is also a message, leading students to either seek out poor information, or feel ashamed about it; and those who think that sexuality is only a biological and reproductive topic (Re, 2008, p. 7).

When presenting the new law, legislation was very vigilant to speak about sexual education as not only biological, but also as something that includes respecting oneself, living free of violence or abuse, and expressing feelings: “But sexual education is a process that involves not only the transmission of information, that should be scientific, but also fundamentally the promotion of values” (Re, 2008, p. 7)\(^\text{24}\).

\(^{24}\) “Pero la educación sexual es un proceso que involucra no sólo la transmisión de información, que debe ser científica, sino fundamentalmente la promoción de valores” (Re, 2008).
While acknowledging this is a true feat of the law, a challenge associated with this new law is the fact that it is indeed so different. Teachers, who have taught for many years, besides their individual prejudices are not sure how to approach the new law:

“But the teachers, in the face of this new reality (law 26150) have doubts, insecurities, fears and overall a lack of content, because for decades the theme was only covered in Natural sciences, ethical formation and Citizenship without traversing into other subjects. And its treatment was in a sporadic manner, since other content was favored: reproductive apparatus of the flowers, cells and energy, physiology and human anatomy, etc.” (Baima, 2012)25.

Other structural obstructions were the lack of capacity and access to expert advice, which includes a time and energy factor, but also the need to confront one’s own prejudices and fears (Baima, 2012). Tailoring a program to pragmatically support a given community presents a challenge for teachers who may already be stretched thin. Another caveat of implementation are the negative reactions from parents, either direct, through other parents or teachers, or through the students themselves (Baima, 2012).

25 “Pero, los docentes ante esta nueva realidad (Ley 26150) tienen dudas, inseguridades, temores y sobre todo falta de contenidos, porque por décadas el tema solo fue tratado en materia como ciencias Naturales, Formación Ética y Ciudadana sin atravesar otras asignaturas. Y su tratamiento fue de manera esporádica ya que se privilegiaba otros contenidos: aparato reproductor de las flores, célula y energía, fisiología y anatomía humana, etc.” (Baima, 2012).
CHAPTER V

DISCUSSION

Throughout Argentina’s history, there have been many power exchanges amid administrations that have influenced and challenged the centrality and power of the state, particularly in the education sector. From Argentina’s triumphant independence from Spain in 1816, through the series of civil wars from 1814 – 1880 as the country befell embattled with the concept of centrality, Argentines have resiliently endured. The first constitution of 1853 affirmed a decentralized federal republic (Constitución, 1853), followed by six coup d’états (1930 – 1976) that customarily resulted in dictatorships. Levi (2002) echoes this as a direct product of the relationship between democracy and state, “a strong state … is a guarantor of democracy – much as it is a guarantor of capitalism”. Furthermore, the state is arguably a guarantor of the provision of strong fundamental institutions, such as education and health care. Though momentarily challenged through brief phases of political insecurity, various contractions in education were predominantly due to short-term focus on policy and considerable self-interest.

To understand the strength of the educational institution throughout Argentine history, it is critical to examine the concept of a state. Levi (2002) defined the state as “a complex apparatus of centralized and institutional power that concentrates violence, establishes property rights, and regulates society within a given territory while being formally recognized as a state by international forums” (Levi, 2002, p. 40). This definition builds upon Max Weber’s definition of a state as an entity “in which the administrative staff successfully uphold [sic] the claim to the monopoly of the legitimate use of physical force in the enforcement of its order” (Levi, 2002, p. 40).
The relationship of tertiary actors is further connected to the state by noting that they are “embedded in a concrete set of social ties that bind the state to society and provides institutionalized channels for continued negotiation and renegotiation of goals and policies” (Evans, 1995, p. 12). The state therefore remains partially dependent upon these collective networks as a means to guarantee both control and security.

By examining the state as a structure of actors with power over influence (Levi 2002), political transformations seemingly befit justification once power becomes distressed (Evans, 1995). Levi (2002) further extrapolates that this facilitation is through “controlled territories” as maintaining the interlocking networks of actors assists to achieve both bureaucratic balance and autonomy.

Frequently, the concept of government is misidentified as state, as government represents the physical manifestation of both action and enforcement of state policy. Another distinction is that although governments may change, states generally do not (Levi, 2002, p. 40). In this context, there may be periods when a state does not identify through a confluent unified territory, but as different forms of state with distinguishing levels of involvement in domestic affairs; contrariwise, governments may desire varying levels of state involvement (Levi, 2002, p. 40).

Given the long composite history of primary and secondary education in Argentina, a structure that has shifted positions throughout various periods and has underwent various forms of government and roles, it is of inconsequence that the arrangement of education is characteristically bureaucratic and unorganized. Huntington (1966) emphasized, “the primary problem of politics is the lag in the development of political institutions behind social and economic change”; seemingly, the reactionary overreach to extend obvious control into various
agencies is often the political consequence of an attempt to assert both a presence and fleeting attempt to race against this lag phase that Huntington underscores. Though following the end of a dictatorship, the rapid momentum of the gender rights movement coupled with a new democracy outpaced the development of the institutions. Consequently, the design of the decentralized federal education does not permit for it to act truly autonomously. Perhaps it is time for the sector to choose whether it wishes to be decentralized, or fully state centered. Looking at recent developments, it appears that prodigious changes are in progress and favorable efforts are underway to standardize a national system for education.

Still, there begs the question of accountability. Given the decentralized system, it would seem logical that when a public policy surrounding education is failing, the Ministry of Education should be accountable, as it is responsible for the coordination and monitoring of all school systems. However, although the Federal Board of Education and the provinces therein, has the tools to implement policies, (finances, teacher training) it is much more problematic to assert culpability, as national policies are adapted to each province with different rhetoric and emphasis in each of them. Thus, future analyses to comprehensively discern and evaluate the systemic obstructions that are currently in place, but to further identify actors who tool such policies and to those who are responsible for crafting fiscal budgets and the disbursement of finances. One must also carefully examine the difference between actions and words: although a politician declares to be committed, are they backing that up with tangible actions? There is a clear distinction between political will versus political capability.

By the end of 2013, there was scant data available based on country statistics, with limited to incomplete organizational plans or targets published. The fiscal budget was barely
touched, and teachers in Buenos Aires were allegedly disgruntled that there has been little to no dialogue of the program following the initial announcement in 2006. Yet, considering the pushback by protestors to the new national curriculum, it is conceivable that the program was predestined to be a contracted platform that had unrealistic deadlines for systemic implementation and delivery. Therefore, intensive monitoring and evaluation throughout the program planning, design, and validation are compulsory methodologies for both curriculum development foregoing policy recommendations and proposals, but also throughout the delivery and implementation of sex education modules. Though the expansion of school-based interventions is in continued demand of monitoring and evaluation, additional assessments and evaluations of non-curriculum and peer-led interventions are essential preceding policy recommendations to policy makers (Kirby, Obasi, & Laris, 2006).

In an interview in May 2012, Mirta Marina, Coordinator for the Program for Sexual Health Education, candidly answered many doubts and concerns related to the recent implementation of the sexual health program. She positioned the Program within the contexts of the law and addressed the concerns of parents and teachers, as well as other contracting factors.

Marina began the interview by positioning the program in the broader human rights framework: she stipulated that the sexual education program is comprehensive and adequately appropriate for each level of education, starting with teaching young children about self-respect and respect to others for their own bodies. This curriculum advances with each level, with the inclusion of rights, imparting to children that they have these birthrights and that they may invoke them if they feel violated, especially in the safe-space that is a primary and secondary school. The program is further reinforced by other recent developments in sexual rights,
including the Equal Marriage Law, Gender Identity, Prevention of Violence against Women - all support and work together with the ESI to further strengthen a basis of rights that demonstrates to the students that they are institutionally protected, with language that already appears in the curriculum (Marina, 2012).

Similarly, she referred to the student and the teacher as subjects with the right to impart and receive this knowledge. Parents could complain only if the subject was not being taught (Marina, 2012).

In response to teachers feeling improperly prepared, teachers had to work with themselves to feel comfortable with the material (Marina, 2012). Most importantly, she confirmed the National Ministry’s weakness in that it was the Province’s responsibility to support and create workshops to help teachers in their training (Marina, 2012):

“They say they are not well instrumented. And that is where the state, the national state but also the provincial states, we have to be on the side of the teachers, generating instances of support and training” (Marina, 2012)26.

She confirmed that the program is late in implementation, but avowed that the Minister of Education had reaffirmed his commitment to the implementation of the program, and that in the following year, more resources would be deployed (Marina, 2012). She proposed reaching 7,000 schools by the end of 2012.

In June 2012, the Congress formally solicited an answer from the Ministry of Education as to why the program had not been implemented yet in its totality. Sileoni reaffirmed his

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26 “Dicen que no se sienten debidamente instrumentados. Y allí es donde el estado, el estado nacional pero también los estados provinciales, tenemos que estar al lado de los docentes generando instantes de apoyo y de capacitación” (Marina, 2012).
commitment, but admitted that it was harder than he had originally thought, calling upon teachers to assist him in the process (Defendió, 2012). The ministry announced its target of reaching 30,000 schools in the next four years (Defendió, 2012).

Showing his commitment to helping teachers, Sileoni led an open workshop to discuss problems with teacher capacity. In April 2013, he launched a new notebook for teachers to help with capacity (Nuevos, 2013). He did so with the support of other ministers and civil societies. It included a higher focus on human trafficking and sexual exploitation, discrimination, sexual and gender violence. It also shows a new focus on partnerships, admitting that NGOs are usually a step ahead of ministries, and that they can help with convincing the rest of the majority (Nuevos, 2013).

Shortly thereafter, at the request of many teachers, the ministry released a magazine with anecdotes and suggestions for incorporating the Curriculum (Bargallo, 2012), as well as receiving curricular input from families. The majority of families supported the notion that schools should teach this. Besides the traditional subjects of preventing pregnancy and diseases, one parent cited teaching about respecting and loving one’s bodies, discrimination, relationships etc. (Bargallo, 2012).

This recent push displayed attention to including new partners to develop the curriculum, such as with civil societies. Marina mentioned collaboration with health centers, and special abuse centers. She noted that there was a difference between working in and with the school. Working in, means going and giving talks, and working with, means working together with planning (Nuevos, 2013).
A 2015 report claimed that 88,150 teachers were trained between 2012 and 2015 (Faur, 2015). Reasons for why teachers had difficulty implementing the law: operator resistance, due to how this might disrupt their classroom planning and flow; moral resistance, especially due to religious or ethical reasons; resistance from fear of families’ criticism and opposition; resistance due to lack of confidence and insecurity with the material (Fauer, 2015). Also acknowledged is the knowledge that teaching is optional, and thus with any of the combined reasons above, teachers would not be sanctioned for not making the extra effort to teach the content (Faur, 2015).

Judging by the division of roles, the National Ministry of Education, since Sileoni became the Minister, demonstrated its political will by complying with the roles set out: Sileoni repeatedly supported the program not only in word but by organizing and convening other ministers, and later developing partnerships with civil societies and other NGOs. The matter then, must be left to the local Ministries to begin their scale-up.

**FUTURE DIRECTIONS**

To broaden the understanding of the comprehensive sexual education program in Buenos Aires, future studies could elucidate the holistic context of the praxis of the educational institution in Buenos Aires, and where it rests relative to the national curriculum, and how it complements the overall political system - both historically and contemporarily to evaluate where the State lost and gained power related to the education sector, and what future policy commitments have been dispatched to support and reinforce the sexual education program.

Further exploration of the actors behind the push of approval and those involved in the implementation of the policy through first person narrative would also be useful. As revealed in
the body of this work, the most common difficulty in Argentine public policy may be the actual implementation and pledge to provide the necessary resources to buttress a particular policy. One must look at who the main actors are, what influences constrain or empower them, and attempt to anticipate what their intended goals may be. Armed with these considerations, may we gain a lens into what actions took place in trying to implement similar public policies, including the mobilization of resources, tangible actions, influences of other actors, and public commitment.

To complement the lack of data, a systemic survey of schools in Buenos Aires that includes multiple data points would reveal not only the reality of the policy’s presence in schools, but also its effectiveness.

Finally, by attempting to identify the potential detractors, one can grasp a better understanding of the various dynamics involving competitive forces, and the systemic complications limiting the feasibility of sexual health policy implementation. By diametrically associating both the rhetoric and actions, one may be able to best understand what barriers to the implementation of the future forms of the ESI from the political perspective, and thus examine the bifurcation - perhaps, in political will, and political ability.

CONCLUSION

Ensuring women have an equal place in society is not only the right thing to do; it is statistically proven to ensure healthier, wealthier and more peaceful societies (Deliver, 2017). Through effective implementation of school-based sexual health programs and strengthened public policies, favorable health outcomes such as the reduction and mitigation of risky sexual behaviors, unplanned pregnancies, and diminishing the incidence of sexual transmitted infections will continue to provide a positive return on investments made by developing countries. In fact, a
September 2015 McKinsey report analyzing 15 different gender variables in 95 countries, shows empowering women and ensuring more equal societies can add 12 trillion USD to the annual global GDP when increasing the overall equality of all countries comparably to the fastest improving country in the region, and can add up to 28 trillion USD for complete gender parity across all countries (Woetzel, 2015). When societies have negative attitudes, norms and beliefs about women, women generally have very low economic equality and there is an extensively limited possibility of high gender equality (Woetzel, 2015).

Argentina’s pledge for the 2030 UN Sustainable Development Goals affirmed their sustained position by formally espousing access to quality education, health care, and creating a platform to approach gender equality – as well as 14 other goals for both Argentines and global citizens. Argentina has extended this pledge by building global private / public partnerships to reinforce and buttress these providential goals and ideals among fellow UN member states. A quality comprehensive sexual education program encompasses multiple variables, including school based interventions, community outreach, teacher training and the involvement of parents. In addition, media campaigning can increase knowledge by subtly encouraging behavior change. However, although international pressure influences the apparition of policies, it does not guarantee their implementation in local settings. The pedagogy of Law 26150 reveals the impact of international treaties and conventions, yet the pedagogy of Law 2110 reveals the influence of local stakeholders, such as the Church.

The evaluation of political will and ability in the complex web of stakeholders revealed multiple competing agendas which contributed to the difficulty in implementing the program in
Buenos Aires. This includes alliances between conservative actors and those who are more progressive.

The lack of organization and strong plan for implementation of the program, as well as lack of proper incentives and sanctions for teacher trainings, or a monitoring and evaluation system for measuring success seemed to have added to policy’s slow roll-out. The absence of publicly available high quality data that is gender disaggregated contributes to a lack of transparency and difficulty in holding government officials accountable.

Argentina possesses an encouraging record of preserving an educational institution throughout the various transformations of political and economic climates. Continuing with the contemporary adaptations to the shifting international environment, Argentina’s future is projected to endure difficulties with minimal disruptions to the delivery of education and sexual health education. Even so, the high number of negative side effects due to the failure to implement a strong policy in the immediate to long term may increase consequences for adolescents. This is already manifesting in schools, with a dissatisfied youth population seemingly losing interest in school, and increasingly feeling there is a gap in the education institution’s ability to provide proper preparation for adulthood.

Finally, it has been postulated that the policy has focused first and foremost on building capacity in teachers, which creates an unnatural stress to bear the burden of becoming experts in subject matter and in guiding young people through the complexity of understanding and feeling comfortable with their sexuality. Given the recent history of Church intervention and violence associated with Argentina’s dirty war, which included a particular focus on disappearances with teachers and other intellectual elites, it is quite possible that the current teacher body carries
intergenerational trauma and a strong disassociation and lack of comfort with their own sexuality. Thus, concentrating on teachers, and parents in the first phase may be necessary. However, to take the burden away, this might be best coupled with a strong set of curricular standards and didactic plans that will provide teachers with the proper tools to guide students through this process, and which they would be required to pass. This would create a set of data from which to evaluate students’ knowledge on comprehensive sexual education. It should also be complemented with interventions in media campaigning to help shift cultural norms and beliefs.

Ergo, these investments reinforce the exceptional value of curriculum-based sexual health education in schools and the augmentation of innovative media pedagogy with a transmedia approach for novel sexual health programming.
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