POST-TRUTH AND SETBACKS

An Analysis of Anti-choice Groups' Discourse Strategies during the Legislative Debate on Abortion in Argentina

Maïte Karstanje, Nadia Ferrari & Zoe Verón

In 2018, Argentina underwent a historical debate on the right to abortion. Over a period of three months, 845 speakers both for and against legalization expressed their opinions and presented their knowledge at the committees' plenary sessions of the Chamber of Deputies and Senate, and 235 legislators expressed their conclusions during the voting sessions in those Chambers. Despite the Senate's rejection of the Bill, over a year after the debate, the social interest and mobilization that resulted from it still persist. However, together with the "green wave" and the social decriminalization of abortion, some conservative and even reactionary demands and anti-choice movements appeared and gained visibility both in Argentina and throughout the region. In order for us to act against those anti-choice groups in a coordinated and organized manner, we must know their strategies and arguments. This document compiles their discourse strategies during the legislative debate which took place in Argentina between April and August, 2018. We hope it will contribute to the social and legislative debates in Latin America and to the continued growth of the "green wave."

EQUIPO LATINOAMERICANO DE LUISTICIA Y GÉNERO





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SOCIAL CONTEXT BEFORE AND AFTER THE DEBATE

In 2018, and as a result of the legislative debate on the regulation of abortion rights ¹, Argentina underwent an unprecedented process that went far beyond Congress and represented much more than a Bill. Thirty years of National Women's Meetings, thirteen years of work by the National Campaign for the Right to Legal, Safe and Free Abortion, political alliances that went beyond party colors, the growth of the feminist movement and the emergence of the "Green wave" were all essential for the Bill to reach Congress. Over a period of three months, 845 speakers both for and against abortion legalization expressed their opinions and presented their knowledge at the committees' plenary sessions of the Chamber of Deputies and Senate, and 235 legislators expressed their conclusions during the voting sessions in those Chambers. Throughout the whole country, these sessions were accompanied by rallies and "Pañuelazos" (demonstrations with green handkerchiefs) in favor of the regulatory modification. The green handkerchief tied to backpacks and purses with the Campaign motto: "Sex education to decide. Contraceptives to prevent abortion. Legal abortion to not die" became an everyday life act of defiance and of indisputable support to a historical debt towards women.

However, the flip side of this historical process was that some religious fundamentalist groups became visible and an anti-choice movement emerged. In opposition to the green handkerchief, the anti-choice movement began to use a light blue handkerchief with the "Save the two lives" motto printed on it. This conservative movement took ownership of a color associated to the National symbols of Argentina and slowly began to take shape and grew stronger during the debate. Anti-choice groups organized counter-demonstrations and activities in parallel to those of the green movement. The gap between both colors became increasingly evident, and led to the Congressional Plaza being totally divided and fenced during the first voting day, to separate those in favor of the proposed regulatory reform from those against it. That night the "green wave" won, both in the floor and in the streets. The "Ley de Interrupción Voluntaria del Embarazo" ("Voluntary Termination of Pregnancy Bill", or IVE for its acronym in Spanish) received preliminary approval at the Chamber of Deputies and was sent to the Senate for voting .²

After this legislative victory, the anti-choice movement intensified its presence in the streets as well as in political debates. Its demonstrations grew in number and strength. The Senate turned out to be a complicated context in which those against the Bill, with a hostile attitude, prevailed. The pro-choice movement did not manage to create the political alliances it had created at the Chamber of Deputies. At a regional level, many jurisdictions decided to call themselves "pro-life" and filed legal actions in defense of "unborn persons." Also, a health professionals' campaign was launched in which they declared "do not count me in to perform an abortion." Finally, without consensus, the Senate chose to ignore the arguments and the demand of thousands of people who, under the pouring rain, rallied in favor of the Bill.



Página 12. (2018). Full text of the Bill. Available at: https://www.pagina12.com.ar/99905-texto-completo-del-proyecto.
Verón, Z. (2018). El proyecto de ley de Interrupción Voluntaria del Embarazo aprobado en la Cámara de Diputados: una propuesta razonable y balanceada. REDAAS: Buenos Aires, July 2018.

Despite the Senate's rejection of the bill, there was a general sensation of social decriminalization of abortion. The green tide spread through the whole society and it crossed the borders of Argentina to reach many Latin American countries. Even today, more than a year after the debate, what happened is still noticeable. The issue can no longer be avoided in political discussions nor can it be taken out of the agenda. However, this progressive movement went side by side with a conservative one, both during the debate as well as after the debate was over. Together with the social decriminalization of abortion, conservative demands emerged and an anti-choice movement became visible.

Just days after the debate at the Senate, a "light blue" political party was launched, the first "pro-life" political party that tried to increase its parliamentary representativeness.³ Also, several campaigns against Comprehensive Sex Education (ESI, for its acronym in Spanish)⁴ were launched at schools, and, just a few months after the debate, the crusade against "gender ideology" escalated with demonstrations throughout the whole country.⁵ As a result, there were many cases in which access to ESI and ILE was hampered. Though the pro-choice movement is strong and capable of acting and responding quickly, the manner in which the anti-choice movement grew in numbers and strength is remarkable.

This conservative and reactionary tendency in Argentina is not a new phenomenon in Latin America. The region is undergoing complex times where fundamentalism and the anti-choice agenda are growing stronger in some key areas of politics and society. This ultra-conservative movement puts not only the sexual and reproductive rights of women and of gestating subjects, but also many other rights, at risk. A restrictive, conservative, misogynistic, and discriminatory agenda is being fostered using unthinkable strategies. Given this context, it is essential that those who advocate for sexual and reproductive rights, for sexual diversity and gender equality organize ourselves and strategically coordinate our actions. For us to be able to do this, it is important that we have a clear idea of the opposing groups' strategies and arguments.

Argentina has gone through a very thorough and intense democratic debate that helped identify arguments and strategies that go beyond the country and the context in which the debate took place. They are used by conservative groups at a regional and even at a global level in their crusade against abortion legalization and sexual and reproductive rights. Therefore, the debate in Argentina is useful to get to know the position and tactics of these groups in depth. This document compiles anti-choice groups' discourse strategies used during the debate in the informative meetings before the committees' plenary sessions and at the Chamber of Deputies and Senate. First, the document shows the profile of the anti-choice speakers and it then typifies eight discourse strategies which were used and identified during the debate: reproduction of religious dogmas in the traditional anti-choice arguments, use of human rights language, appropriation of "green" arguments, storytelling, questioning the numbers, use of alternative "scientific" sources, offensive action at the committees' plenary sessions at the Senate, and the use of certain negative "winning" arguments. In this document,

3. Clarín. (2018). Por las dos vidas. Se lanzó el partido Celeste, la primera fuerza en contra del aborto. Politics, August 28th, 2018. Available at: https://www.clarin.com/politica/lanzo-partido-celeste-primera-fuerza-aborto_0_S1yRU-QPQ.html. 4. Since 2006, Argentina has Law n° 26.150, known as the ComprehensiveSex Education Law (ESI,for its acronym in Spanish), which establishes the right to receive comprehensive sexual education in public and private institutions in the national, provincial, municipal jurisdictions. In 2018, a Resolution by the Federal Education Council, No. 340/18, was ruled with the objective of effectively enforcing the Law. 5. Iglesias, M. (2018). Polémica en el Congreso. "No autorizo", la campaña que busca frenar la nueva ley de Educación Sexual Integral. Clarín, Sociedad, Septembre 6th, 2018. Available at: https://www.clarin.com/sociedad/autorizo-campana-busca-frenar-nueva-ley-educacion-sexual-integral_0_B1Xq7 ROPX.html. And Página 12. (2018). Una marcha para dejar a los hijos afuera. Sociedad, October 29th 2018. Available at: https://www.pagina12.com.ar

/151730-una-marcha-para-dejar-a-los-hijos-afuera.



every "light blue" strategy is accompanied by its "green" answer, to act as triggers to start thinking about how to respond to these anti-choice attacks.

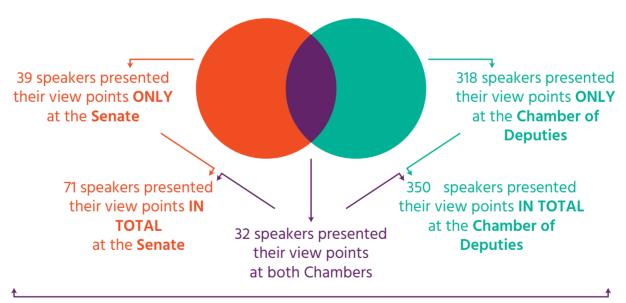
We hope this document may contribute to future debates on abortion in Argentina and region-wide, and that the green movement keeps growing stronger until abortion is legal throughout Latin America.

PROFILE OF ANTI-CHOICE SPEAKERS

Who were the people called to speak against the Bill? In this section, we will present a quantitative analysis of the profiles of the anti-choice speakers.

During the months of the debate in Congress, a total of 389⁶ speakers gave their opinions and provided information against abortion legalization. 350 people attended the informative meetings before the committees' plenary sessions at the Chamber of Deputies, while 71 did so at the Senate (though one of them shared part of his time with another speaker who was not included in the list). Out of this total of 389 speakers, 32 of them spoke in both Chambers.

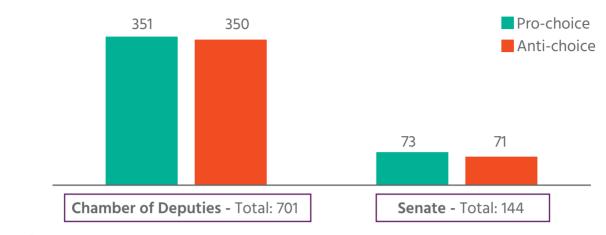
Numbers of anti-choice speakers



A total of 389 anti-choice speakers presented their view points in total in both chambers

There were no significant differences between the number of pro-choice and anti-choice speakers: there were 351 pro-choice speakers (and 350 anti-choice ones) at the plenary session at the Chamber of Deputies and 73 pro-choice speakers (and 71 anti-choice ones) at the Senate.

6. These numbers are taken from the monitoring carried out by the authors of this document, and they have been checked against the information provided both by the Chamber of Deputies' and the Senate's Web pages. All the information is of their own authorship.

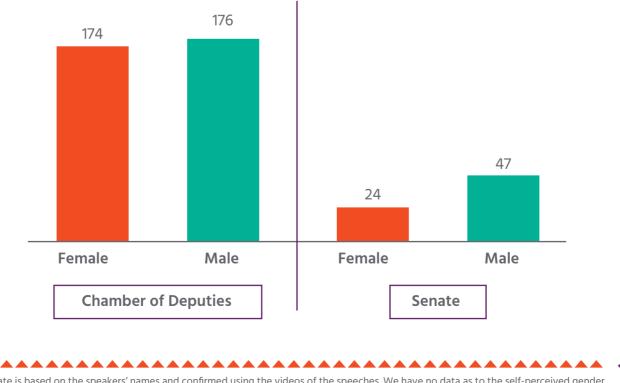


Number of speakers in both chambers

Gender

As regards gender, there was a predominance of male voices in both Chambers: there were 176 male speakers and 174 female speakers at the Chamber of Deputies while at the Senate there were almost twice as many male speakers (47) as female ones (24).⁷

None of those who spoke against the regulatory reform Bill presented himself or herself as part of the trans community, unlike those who spoke in favor of legalization where four people identified themselves as trans.



Gender of anti-choice speakers

7. This estimate is based on the speakers' names and confirmed using the videos of the speaches. We have no data as to the self-perceived gender of the speakers, though none of those who spoke against the Bill explicitly introduced himself/herself as trans gender.

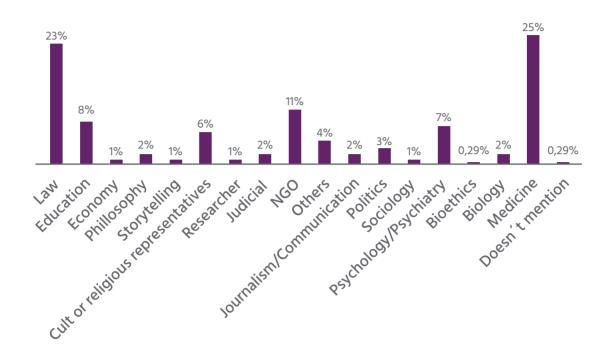
Professions

Classifying the professions, institutions or area of work of the speakers is not an easy task, as in many occasions those who had a profession did not exercise it in a traditional manner but carried out their activities in other settings related to their profession. Thus, maybe somebody with a degree in medicine did not specifically practice it but carried out research work in that area of knowledge. The same frequently happened with those who had a degree in law, and worked as teachers, researchers or representatives of civil society organizations. Likewise, there were speakers who were invited to participate because they were activists, supporters or just to narrate their own personal stories and not because they had a university degree or belonged to a certain institution.

The profiles of the experts who spoke before the Chair of the Commissions were used to classify the professions. Fields such as law, medicine, psychology/psychiatry, economics, sociology, politics (people who were invited to participate because they held or had held a political office), journalism/communication, cult or religious representatives, bioethics, education, just to mention the most important ones, were classified. Also, a category was opened to include those people who attended to narrate their own or other people's personal stories.

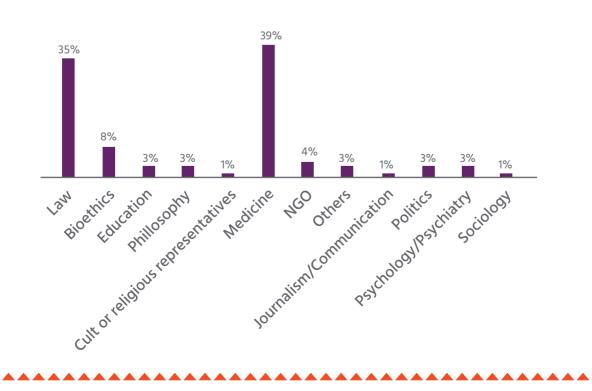
Both at the Chamber of Deputies and at the Senate, most anti-choice speakers came from the field of medicine, closely followed by speakers from the field of law. At the Chamber of Deputies, 25% (88 individuals) came from the field of medicine and 23% (81 individuals) came from the field of law. These percentages accounted for approximately 48% of the total number. At the Chamber of Deputies, a large number of people (37 people representing 11% of the speakers) identified themselves as members of some NGO or as self-proclaimed activists or supporters, followed by 7% (26 people) of experts from the fields of psychology or psychiatry, and 8% (29 people) of university, post-secondary and secondary teachers, and 6% (21 people) introduced themselves as representatives of some cult and/or religion.

As regards this last group, it is worth mentioning that representatives from Catholic, Jew, Mormon, Evangelical and Islamic institutions were present.



Speakers' professions at the Chamber of Deputies

At the Senate, speakers from the field of medicine accounted for 39% (28 people) while those from the field of law accounted for 35% (25 people). This means that approximately 75% of the speakers (53 people) presented their arguments from these fields' points of view, while the other fields had little presence. Professions such as sociology, bioethics, philosophy, psychology/psychiatry, representatives of some cult and/or religion, among others, barely represented the remaining 25% (18 people).



Speakers' professions at the Senate



Only one speaker before the Chamber of Deputies did not introduce himself as belonging to any profession or institution, and that information is missing even in the official information provided by that Chamber. During the classification, the category "Others" had to be created to include those professions or careers that did not fall into any of the existing categories, such as artists, dealers, engineers and veterinarians.

Given the key aspects of the Bill being discussed in Congress, it makes sense that the professions most commonly present were medicine and law. The number of male voices and of speakers from the fields of medicine and law was higher at the Senate as compared to that at the Chamber of Deputies, and that difference is worth mentioning. There was also a significant reduction in the number of people who spoke from the religious point of view, which is striking if we consider that one of the consequences of the legal abortion debate was the popular demand for the separation between Church and State.⁸

Once the Bill reached the Senate, the anti-choice strategy aimed at delving into the legal and medical arguments to prevent legalization, and left aside other aspects (such as psychology and bioethics).

In the following sections we will review the discourse strategies used by anti-choice speakers in the debate.

REPRODUCTION OF TRADITIONAL ANTI-CHOICE ARGUMENTS

During the debate, many anti-choice speakers used traditional anti-choice arguments based on religious dogmas. To back up these arguments, traditional religious interpretations with a rhetoric linked to God's power and moral were used. However, instead of using an explicitly religious language, human rights terminology was used to defend their moralistic and religious point of view. This shows how conservative groups are trying to use these concepts, a consequence of modernity and globalization, to defend traditional, conservative, and many time nationalist, goals. Their arguments were embedded with these religious and moralistic dogmas.

The Monopoly of Morality

Anti-choice arguments were characterized by a moralistic point of view based on traditional and conservative ideas. They used a rhetoric based on morality, on dignity and on personal accountability, and preached a "moral life." They tried to establish a difference



between the good and wise detractors of the Bill and the bad and ignorant advocates for sexual and reproductive rights. With this rhetoric, they pretended to have the monopoly of morality. For instance, during the debate it was maintained that many aspects of the decision-making process to perform an abortion may be related to individualism, selfishness, narcissism, hedonism, intolerance, moral degradation and anti-democratic values. Abortion legalization would represent "a cultural setback" and it would cast a "curse" on society, as Christianity promotes ethical values related to the protection of life which are part of society's scheme of values.

The goal behind these arguments is to weaken many human rights, mainly those related to gender and sexuality. People who do not fall within that scheme of values are excluded and discriminated against, and tools to reverse the achievements of feminist, women's and marginalized groups' and to obstruct any potential progress are designed.

The "conscientious objection" argument, which advocates for the right to not having to perform any action that severely affects individual and group conscience, is a clear example of this. In these cases, the use of human rights language in relation to freedom of thought, of conscience and of religion can be seen.⁹

The Value of Human Life

Many of the arguments focused on the importance and value of life. It was claimed that human life begins at the moment of conception and that, therefore, the State should look after the embryo's or the fetus's life which deserves to be protected by law. It was also stressed that the embryo or fetus is not part of the woman's body, but a different body, and that the decision as regards that life transcends her. It was maintained that, in the case of a collision of rights, the "best interest of the child", and never the woman's desire, should prevail, as life shall never be suppressed in favor of other freedoms. Emphasis was made on the importance of finding better solutions in agreement with human dignity and with absolute respect for life.

This argument presents the value of human life as absolute and claims that it should be protected from the moment of conception, but it actually conceals a religious dogma. Even though in most cases it was not verbalized using these terms, the idea behind these assertions is the belief that only God can decide when a human life begins and ends, and that people are not allowed to interfere with the "normal" development of a life in gestation.

Thus, they claimed that the value of life is absolute, and that a person capable of acquiring rights and contracting obligations exists from the very moment of conception. Again, by using a biased interpretation of law and by misrepresenting the human rights standards in force, they disguised the use of a religious dogma to claim that abortion legalization was not viable and avoided explicitly stating the underlying message: It is God who decides and the woman's decision can never be opposed to it.



Misogynistic and Paternalistic Arguments

Another religious dogma which was reproduced had to do with a misogynistic attitude towards women. For instance, it was argued that legalization would turn abortion into a contraceptive method which would in turn cause an exponential growth in the practice, mainly among adolescents and youths. This false rhetoric exposed a disdain for women and denied them the possibility of making responsible decisions. Also, in this line of reasoning, the State is presented as a protector of women in relation to their irresponsible decisions, one that offers them other alternatives so that "they do not abort", such as making adoption easier or providing them financial assistance. Stress was made on an unconditional support to women throughout motherhood, with absolute disregard for their own desires. These arguments belittled and underestimated women, denying them their capability and competence to decide about their own lives.

A paternalistic rhetoric was also used to emphasize the importance of protecting women against the supposed negative consequences of abortion legalization (i.e. coercion, pressure, abuse, violence and exposure to future rapes), and that pregnancy would work as a means to stop the abuse. These arguments use human rights language in connection with violence against women, to construct arguments against sexual and reproductive rights.

This false protective attitude may also be seen in the "post-abortion syndrome" arguments, which maintain that every woman who undergoes an abortion situation suffers from this syndrome. However, the World Health Organization does not recognize the existence of "post-abortion stress" and several global researches have shown that such syndrome does not exist and that it is actually the denial of an abortion or the conditions under which is it provided that harm women's mental health.¹⁰

This paternalism, which claims to protect women, does not empower them but uses fear and moral to restrain them and to restrict their ability to make decisions. It was also argued that freedom implies assuming responsibilities, and that, therefore, there might be unexpected or unwanted situations which shall nevertheless be assumed. This argument tried to moralize the behavior of women, and to separate the "good" ones from the "bad" ones. This distinction is strongly linked to the idea that motherhood is women's vocation and a privileged attribute which should be valued and stimulated. In order to reject the demands for equality and non-discrimination, these were presented as "natural" roles.

As can be seen in this section, human rights language was frequently used in traditional anti-choice arguments to reproduce religious dogmas.



How to Respond to this Strategy? Traditional anti-choice arguments are full of religious dogmas. It is important that we break their arguments apart to expose these religious and conservative interpretations. It is also important to show how they use human rights language to preach religious and conservative rules, changes and ideas that go against the essence of women's and other marginalized groups' rights. If we reveal this in a detailed and rigorous, but at the same time clear and effective manner, we will be able to expose the hypocrisy behind these arguments.

USE OF HUMAN RIGHTS LANGUAGE

As it has been pointed out in the previous section, the use of human rights language was one of the key strategies used by speakers against the regulatory reform during the informative meetings held before the National Congress.

Based on the fact that there are legal rules that recognize the legal protection of life from the moment of conception, they understood that it is at that moment when a person begins to exist. Therefore, they claimed that as a person, it has the same rights granted to any other person. So, abortion legalization would violate practically everything in our regulatory framework.

They pointed out that abortion legalization would violate the National Constitution and the international human rights treaties that Argentina has ratified. There were moments in which it was not very clear which legal rules they were referring to when they maintained that the Bill would violate human rights standards. Likewise, they used a sensationalist discourse in their assertions when they maintained that, for a Bill such as the one being discussed to become Law, a Constitutional reform would be necessary and international human rights treaties would have to be denounced, and that therefore, the Argentine National Congress did not have the authority to modify abortion regulation.

Those speakers who specified the sections of the regulations they were referring to when in their arguments they maintained that the Bill was incompatible with our regulatory framework mentioned regulations established in the Argentine National Constitution¹¹, in international human rights treaties ratified by Argentina (some which have constitutional status)¹² and other provisions of national law.¹³

11. Some of the Sections of the Argentine National Constitution mentioned were Section 19 (which recognizes the right to privacy and sets its limit in the harm to "third parties") and 75 Subsection 23 (which establishes a social security regime during pregnancy).

13. Some of the legal rules mentioned were the Employment Contract Act which stipulates maternity and breastfeeding leaves; Act 25.929 which grants health care during and after childbirth; Act 26.061 which protects pregnant girls and adolescents so that they may continue studying; the interpretative declaration made by Argentina when ratifying the Convention on the Rights of the Child which establishes that "a child means every human being from the moment of conception up to the age of eighteen"; Section 19 of the Argentine Civil and Commercial Code which recognizes life from the moment of conception and grants rights of inheritance on condition that it is a live birth.



^{12.} Other Sections mentioned were Sections 4 and 11.2 of the American Convention on Human Rights, the American Declaration on Rights and Duties of Man, Section 17 of the International Covenant on Civil and Political Rights and the Convention on the Rights of the Child.

A more detailed analysis of the use of human rights language shows that their strategy aimed at a more literal and biased interpretation of the regulations. Given that the international human rights protection bodies did not agree with their interpretations, their challenge was to discredit not only the recommendations made by these bodies but also their jurisprudence. Therefore, they pointed out that these bodies were biased by "ideological issues" and did not have the authority to demand or suggest that any State decriminalizes abortion. They also mentioned that their recommendations may serve as guidelines but are in no way binding and cannot modify what is stipulated in the Argentine Constitution.

The judgment passed by the Inter-American Court of Human Rights in the case of "Artavia Murillo"¹⁴, which interprets Section 4.1 of the American Convention on Human Rights, was discredited as they considered it to be a judgment against a different State and because it deals with an issue which was not the one under debate (assisted fertilization). As regards the case "L.M.R. v. Argentina"¹⁵ of the Human Rights Committee, they claimed that it was a case of access to abortion services but within the legal grounds already contemplated in our legal system. Finally, they mentioned the case of "Baby Boy" ¹⁶ of the Inter-American Commission on Human Rights to maintain that the interpretation of Section 4.1 of the American Convention on Human Rights sets a limit when it stressed that "no one shall be arbitrarily deprived of his/her life" and, therefore, performing an abortion without a "substantial" cause would be incompatible with this Section. These examples show the strategies used to discredit the different international human rights protection bodies.

An analysis of the statements made against the Bill shows little mention to the Argentine Supreme Court of Justice ruling on the matter of "F., A. L." ¹⁷ The goal of this strategy might have been to avoid discussing the interpretations already mentioned by our highest court, and from which they cannot deviate as easily as they did with the international jurisprudence. In this 2012 ruling, our Supreme Court analyzed the legal rules that the speakers claimed were incompatible to pass the Bill and maintained that they were compatible with the abortion regulation which is in force in Argentina since 1921. The few references made to this ruling had the purpose of discrediting it. It was pointed out that the ruling of the highest court was unconstitutional and that this court had made a mistake as this was a biased ruling. Other speakers mentioned that constitutional legal rules were very clear and therefore, it was not necessary to read the arguments presented by the Supreme Court of Justice in this case. Finally, some speakers also mentioned that the Supreme Court had granted itself powers that correspond to other powers of the State and that the ruling was null and void due to absence of present harm since it was issued after the legal abortion had been performed.

In line with the idea that a person exists from the moment of conception and that the right to life is an absolute one, many of the arguments exposed during the legislative debate revolved around the idea that the right to life preceded any other right since, without it, no other right may be exercised. Also, by understanding that the life in gestation is already "a child", the whole regulatory framework related to its protection had to be applied. Then, for instance, the "best interest of the child" should always prevail over any other interest, be it legitimate or not, of the pregnant person.



IACHR (Court), case "Artavia Murillo et al. (In vitro fertilization) v. Costa Rica", Preliminary Objections, Merits, Reparations and Costs, Judgment of November 28th, 2012, Series C N.º 257.
Commission on Human Rights, "L.M.R. vs. Argentina", CCPR/C/101/D/1608/2007.
CIDH, "Baby Boy vs. United States of America", Resolution 23/81, Case 2141, March 6th, 1981.
Argentine Supreme Court of Justice, case "F.A.L. s/ Precautionary Measure," File N.º 259/2010, Volume: 46, Letter: F, Judgment of March 13th, 2012.

Human rights language was also used when they claimed that the State had some obligations as regards the protection of the life in gestation. It was argued that States had the obligation of protecting life from the moment of conception and that every necessary measure had to be taken to guarantee the right to live, "to be born" and to grow up of every child, without discrimination. Based on the pro-homine and on the progressive nature principles, it was said that the State has the obligation of improving the protection, promotion and respect of human rights, of promoting common well-being and of generating opportunities of development for everybody from the moment of conception until natural death. As to this, it was emphasized that denying the embryo or fetus the right to life implies a discriminatory treatment, as a child's life would be legally protected but not that of the embryo or fetus.

Finally, "conscientious objection" was strongly emphasized as a human right recognized in the Argentine Constitution and in the international human right treaties that Argentina has ratified. For this purpose, legal rules related to the freedom of thought, of conscience and of religion were pointed out, and it was maintained that nobody can be forced by law to do something against his or her will as long as this does not directly harm another person; and that a person shall be given the possibility of refusing to perform any action that he or she considers is against his or her beliefs. In parallel to this, physicians from many provinces of Argentina publicly declared themselves to be "conscientious objectors" and participated in the "no cuenten conmigo" (do not count me in) campaign.

During the debate, pro-choice speakers presented a comprehensive interpretation of the law in force, arguing that the Argentine legal system does not equate an embryo or fetus with a born child, and that there is nothing in international human rights law that may represent a barrier for abortion legalization.¹⁸

As can be seen, the use of human rights language was one of the key strategies used by speakers against the regulatory reform. This biased, arbitrary and literal interpretation of the legal rules in force together with a threatening attitude towards the Members of Congress as regards the legality of what was being discussed helped them conceal the bases of their arguments, which are no other than a religious dogma: It is God who decides when a human life begins and ends and the autonomous decisions of women can never be opposed to it.

How to Respond to this Strategy? The use of human rights language has made it possible for anti-choice groups to mask their religious dogmas behind arguments which, at first sight, seem to be neutral. It is extremely important to remove that veil and expose what hides behind this type of arguments. If we identify the argumentative fallacies they use, we will be able to reveal the interests and ideas behind their assertions. Likewise, it is important that we do not let their sensationalist and categorical manners raise doubts as to which is the regulatory framework in force. Finally, it is useful to identify any inconsistency in the whimsical use of international standards and specify it.



18. For more information on the legal arguments in favor of abortion legalization in Argentina see: From Clandestinity to Congress An Analysis of the Voluntary Termination of Pregnancy Legislative Debate in Argentina. Available at: http://www.redaas.org.ar/nuestro-trabajo-documento .php?a=154.

APPROPRIATION OF PRO-CHOICE ARGUMENTS

During the debate, a change in the arguments used by anti-choice speakers could be seen. There was an increasing tendency towards the use and appropriation of arguments traditionally used by feminist groups and by activists for the right to decide. One of the key arguments they took ownership of is the one on the right to decide, and they related it not only to women but also to men and to the embryo or fetus. Another pro-choice argument they took ownership of was the one on the importance of having access to Sexual and Reproductive Health Services and of Comprehensive Sex Education (SSyR and ESI, for their acronyms in Spanish).

The Right to Decide of Women, Men and of the Embryo or Fetus

At first, the pro-choice argument for the right to decide was questioned. Then, different speakers took ownership of this argument to use it in accordance with their beliefs and positions.

The fact that women should really have the freedom to decide about the Legal Termination of Pregnancy was also called into question. They claimed that it would mean freedom for only a part of society since, unless women are provided with real alternatives and supporting policies, they would not have real freedom to decide. By using a paternalistic rhetoric, it was argued that abortion would not solve social problems: poverty, marginalization, lack of education, unwanted pregnancies, maternal deaths, and rapes would still exist. Thus, it would hide marginalized women's reality and leave them under the same conditions. It was also claimed that abortion legalization would promote imperative and coercive practices, as, in many cases, society, family and even partners would put women under pressure to get an abortion. Abortion was described as a form of violence against women: it would promote physical, emotional and psychological abuse; it would perpetuate the circle of violence and favor abuse situations, mainly in cases of child and domestic abuse, where a forced pregnancy may be a means to stop the abuse. It was claimed that women need real solutions that empower them and give them back their dignity.

Which would these solutions be, according to anti-choice speakers? It was stressed that the idea that women are capable of doing it all should be reinforced: carrying a pregnancy, having a family and being a professional. They related this "empowering" to what they perceive to be the "most valuable role of women": motherhood. It was emphasized that motherhood is a "privileged quality" that should be valued and which is an essential right of women. Even though they argued in favor of women's freedom and empowering, this was done in a very restricted and limited way, focusing on the traditional and stereotyped role of women and excluding other possible life plans. They aimed at protecting women's "freedom" and at the same time they worked hard to take away their freedom to decide about their life (project).



This defense of a false freedom for women was present in many aspects of these arguments. For instance, it was emphasized that freedom implies assuming responsibilities. One of those responsibilities is the relationship that the woman establishes with the man or with the embryo or fetus, who are at "her mercy." It was argued that women's right to decide should not imply the denial of other rights. Stress was made on the essential role of the male parent during pregnancy and it was maintained that the decision also concerns the "father", who is "the one most ignored." Abortion legalization would violate both men's right to choose a life project as well their freedom to decide. It was also argued that abortion tramples on the embryo's or fetus's right to equality and freedom. They also argued that abortion is not a matter of women's conscience, but a decision that transcends her and projects itself on a "third party."

To sum up, instead of actually protecting women's freedom, especial emphasis was made on a more traditional role of women, thus restricting their freedom of choice and giving more value to the alleged interests of male parents and of the embryo or fetus than to the conditions necessary to guarantee that their life plans may be materialized. Emphasis was made on the need to find better solutions that make it possible to save "both lives." With these proposed solutions, they took ownership of another pro-choice argument with empty promises.

Comprehensive Sex Education and Reproductive and Sexual Health Services

Throughout the debate, speakers from both sides agreed that unwanted pregnancy is a huge social problem and that work needs to be done to prevent it.

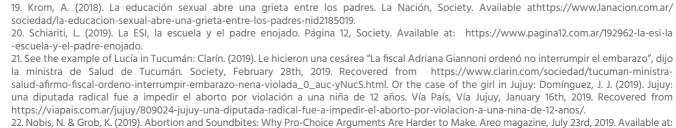
As a solution, anti-choice speakers used the pro-choice argument that proposes improving access to Reproductive and Sexual Health Services (SSyR) and strengthening Comprehensive Sex Education (ESI). However, they argued in favor of a "proper" education without giving too many details. They also maintained that the pregnant woman should be protected so that she may carry the pregnancy to term even if it is an unwanted one, with the help of accompaniment and adoption options (both before and after birth). Instead of legalizing abortion, women should be offered other alternatives so that "they do not abort." As a result, the right recognized to women to "freely" decide can also be called into question. Instead of offering different options, they proposed "guiding" and influencing on women's decisions. Speakers emphasized that the State should provide "unconditional" support to women throughout motherhood with health, social, financial and legal actions, once again focusing on the importance of women's role as mothers and not on their freedom of choice as regards motherhood.

Despite the fact that during the debate speakers from both sides, for and against the Bill, seemed to have reached an agreement as to the importance of improving access to Sexual

and Reproductive Health Services and of compromising to implement the Comprehensive Sex Education Act, those promises were not fulfilled. After the Bill was rejected, conservative movements in Argentina grew stronger and raised barriers to the implementation of ESI and to the access to SSyR Services. The intensity and presence of the "con mis hijos no te metas" ("do not mess with my children") campaign escalated in Argentina. Just to give an example of these interferences, mothers and fathers disturbed ESI classes¹⁹ or threatened schools with "taking the case to court"²⁰. At the same time, SSyR services also faced an increasing resistance from political actors as well as from health professional in cases of legal termination of pregnancy.²¹ As the issue became increasingly more visible, people against the practice of abortion actively interfered in cases which, in Argentina, are already contemplated by our regulatory framework and which should therefore be guaranteed.

Though there was certain degree of agreement on the importance of ESI and on the need to guarantee access to abortion under certain legal grounds, reality after the debate did not reflect this agreement.

How to Respond to this Strategy? It is important to keep on showing the weak points of anti-choice arguments, especially when they try to take ownership of the pro-choice arguments. The soundness of the arguments in favor of legalization was obvious, as compared to those against it. Those in favor were based on years of work, research and empirical evidence at a global level. However, it is essential that these arguments be short, clear and effective to improve the way in which these messages are really conveyed. Pro-choice arguments are usually more abstract and complex, and therefore require a more theoretical or accurate way of thinking, one which demands a certain degree of attention, while short and resonant phrases make anti-choice arguments sound stronger than they really are.²² Our message should be clear and our target audience should easily understand them.



22. Nobis, N. & Grob, K. (2019). Abortion and Soundbites: Why Pro-Choice Arguments Are Harder to Make. Areo magazine, July 23rd, 2019. Available at: https://areomagazine.com/2019/07/23/abortion-and-soundbites-why-pro-choice-arguments-are-harder-to-make/.

STORYTELLING: BETWEEN FAKE EMPATHY AND MORBID FASCINATION

Storytelling is one of the strategies used by anti-choice groups throughout the world and in all kinds of debates on abortion. This technique, commonly used in marketing, involves telling a (personal or third-party) story with the purpose of producing specific feelings and emotions in the person reading or listening to it, and it takes advantage of the atmosphere created by the story. This is frequently used in advertisements where, for instance, in order to sell a product, a story is created to make the audience feel the need to buy that product.

In the case of the debate on abortion, the storytelling strategy used by anti-choice groups was based on telling stories to narrate the alleged "horrors" of abortion. During the debate at the Chamber of Deputies, the stories were aimed at two specific aspects: on the one hand, first-person stories of women who aborted and on the other, stories of children who "survived abortion" or of people with disabilities who maintained that, if abortion had been legal, they would not exist. Another less common use of storytelling was of that presenting an "if I had been aborted" reality, which goes hand in hand with one of the arguments frequently used by anti-choice groups: "Those who demand legal abortion were not aborted and had the chance to be born."

In this kind of stories, emotionalism and sensationalism predominate. It is common to hear stories of remorseful women who, after an abortion, experienced emotional suffering and this feeds the idea that post abortion syndrome really exists.

These true stories produce a feeling with the purpose to affect both public opinion and the opinion of those who have the power to carry out public policies. In this way, personal stories help make the more logical and colder arguments tangible, and produce an emotion, create, make visible, and materialize something which was previously only a number or an abstract idea. With a story, a meaning is created that leads to some kind of empathy in the person listening to it, and in this way tries to attract him or her towards a specific goal or idea. In this case, to being against abortion legalization.

This strategy was also used by pro-choice groups, though to a lesser extent and with a different impact. The story of a woman who experienced an abortion narrated in first person has a different tone as compared to one narrated in third-person, and it might include different shades of emotionality. This was the case, among others, of journalist Mariana Carbajal who showed the picture and told the story of María Campos, who died after an abortion, or of Florencia de la V, who told the story of her mother, who also died after an unsafe abortion.

Anti-choice stories were aimed at producing an impact in relation to death and suffering. They show lingering pain and trauma. These stories prevail in time and in the memories of people more than numbers. The use of this kind of strategies helps create myths or fake news. A story is something personal and should not be generalized. Generalization was part of the anti-choice strategy: what that woman suffered as a result of the abortion is what every woman will suffer if the Bill becomes Law. Used in this way, storytelling becomes an opinion control tool.

As regards stories, anti-choice groups knew how to use them to their favor. The image of an embryo or fetus materialized with the morphology of a baby makes the audience feel an emotion and the need to protect it. An embryo or fetus does not have a clear shape, but a baby does. A woman who has been harmed by an abortion needs to be defended and helped. Thus, these stories create a hard to erase image which has an emotional effect much stronger than arguments.

> How to Respond to this Strategy? As regards arguments based on hard and scientific data, those in favor of legalization were better positioned and their arguments were harder to question. In countries with less restrictive legal regulations as regards abortion, the numbers show a reduction in maternal morbi-mortality and in performed abortions. It was also specified that there is no legal barrier to abortion legalization in Argentina. However, the personal stories of anti-choice speakers helped refute the colder and more logic arguments, and created emotions and materialized something which was previously only a number or an abstract idea. It is important that those who are in favor of legalization make other stories visible. Debate helped tear down the taboo around abortion and many women were encouraged to narrate their own experiences. However, this puts a stigma on women as it exposes some intimate processes with many edges. Every personal experience is unique and feminist movements always try to prioritize the autonomy to decide whether to narrate that experience or not. At the same time, these stories help construct the identity of women who have experienced an abortion and can talk about it, and contribute to de-stigmatize the procedure, to eradicate the solitude that results from silence and, most importantly, to acknowledge that different reproductive life projects of women are valid and valuable.





QUESTIONING THE NUMBERS

Different numbers were questioned during the debate: the number of induced abortions in Argentina, the number of maternal deaths as a result of unsafe abortions, the relevance of the number of abortions as cause of maternal death, and the impact of legalization on the number of abortions that are performed, among others. One of the discourse strategies most commonly used by anti-choice speakers was questioning the numbers without providing any reliable data with scientific endorsement.

Number of Induced Abortions in Argentina

As regards the number of induced abortions in Argentina, anti-choice speakers criticized the study carried out by demographers Mario and Pantelides²³ on the estimate of abortions performed per year in Argentina, and requested by the National Ministry of Health. It was maintained that they were estimations based on hospital discharges and then projected using a multiplier. It was emphasized that the methodology has systematic measurement errors and biases, and that the estimate is based on substituted data which overestimate the number of induced abortions.

However, this study was carried out by national academic institutions using an internationally validated methodology.²⁴ Besides, anti-choice speakers did not provide sound data to refute the study and the arguments provided were inconsistent. For instance, they argued that there cannot be 500,000 abortions per year as this would mean that there is an abortion per every live birth. In fact, they did not present any information from other studies carried out using a different methodology, nor did they show sources or evidences with scientific endorsement to refute the study requested by the National Ministry of Health.

Abortion as Cause of Maternal Death

They also used weak arguments to question the numbers on maternal mortality. They maintained that, according to the information provided by the National Ministry of Health, abortion is the third cause of maternal death, as the number of deaths caused by direct and indirect obstetric causes is higher. They also argued that these numbers are not cause for concern, and listed other causes that result in a larger number of women's deaths - from heart and respiratory disease to tumors and traffic accidents. They therefore concluded that this is not a health priority, and ignored the sound numbers provided by pro-choice speakers as well as by national officials and international bodies. With this strategy, speakers against abortion



tried to minimize the importance and urgency of guaranteeing this practice, ignored the fact that abortion deaths are avoidable deaths and diverted the attention to other issues that had nothing to do with the one being discussed.

At the informative meetings before the committees' plenary sessions at the Chamber of Deputies, the then Ministry of Health Adolfo Rubinstein explained: "There is what is referred to as under-recording, and what does under-recording mean? It means that many times the notification, the coding of abortion as cause of death or of hospital discharge, is hidden behind other diagnoses for many reasons, from reasons that have to do with poor coding to reasons that have to do with the legal status of abortion, as abortion is illegal, let's say, except for some legal indications, and of course physicians or coders are a bit reluctant to code abortion in fear of retaliation or of punishable actions."²⁵ As a result, induced abortion as cause of maternal death is under-recorded and the real numbers are higher than the recorded ones. To show the effects of criminalization, pro-choice speakers brought to light not only data on mortality but also data from official sources on hospitalizations in public hospitals due to abortion complications. This data allows us to make the problem visible and to account for its magnitude, and to make known the impact that an abortion performed under unsafe conditions has on the physical health of women.

Legalization and its Impact on the Number of Abortions

Finally, anti-choice speakers claimed that it is a myth that those countries in which abortion has been legalized have seen a reduction in the number of abortions. They argued that in all the countries where abortion has been legalized, the number of abortions has dramatically increased. However, several studies ²⁶ show that those sub regions which have more permissive legal rules have lower abortion rates. Pro-choice speakers provided examples from other countries, such as Uruguay and Canada, and Mexico City, where legalization helped reduce the number of abortions ²⁷. Legalization reduces the number of abortions over time - though the number of abortion tends to increase during the first years, it then falls significantly²⁸.

This sound data with scientific endorsement in favor of legalization was repeated and mentioned again by pro-choice speakers at the time of voting. The opposite happened with anti-choice speakers, who made little use of data and statistics in their speeches²⁹.



^{25.} Adolfo Rubinstein, Ministry of Health, Speech before the Chamber of Deputies Committees' Plenary Session, May 31st, 2018 at 2:16:39: https://youtu.be/SXz0GOUwaps.

REDAAS. (2018). The Numbers of Abortion in Argentina. Buenos Aires, March 2018.
See more on this subject in Section "Negative "Wining" Arguments."

²⁶ Sedgh G., Singh S., Shah I., Ahman E., Henshaw., S, Bankole A. (2012). "Induced abortion: incidence and trends worldwide from 1995 to 2008" en The Lancet, London, New York, Beijing; WHO (2011). Unsafe abortion estimates Unsafe abortion: global and regional estimates of the incidence of unsafe abortion and associated mortality in 2008. 6th ed, Department of Reproductive Health and Research, Switzerland.

^{27.} See: Raffaela Schiavon, Speech at the Chamber of Deputies Committees' Plenary Session, May 22nd. https://youtu.be/tTxaBPxW3g8; Leonel Briozzo, Speech at the Chamber of Deputies Committees' Plenary Session Debate, May 24th: https://youtu.be/QlixH5YXWFE.

It may be concluded that pro-choice speakers had more scientifically and academically sound arguments. They showed their intellectual honesty and emphasized not only the validity, soundness, consistency and authority of the sources, the collection, measurement, analysis and interpretation methodologies used by the institutions but also the data limitations and the impact this has on the findings. They also compared national, regional, and international data. The questionings made by the anti-choice speakers were inconsistent, as compared to the robustness and reliability of the sources used by pro-choice speakers.

However, questioning the numbers turned out to be an effective anti-choice discourse strategy. In different debates, those against different social demands usually question the numbers without providing any sound evidence or validating their arguments. An example of this is how those groups that deny the existence of climate change misinform in order to question the findings and the sound conclusions of those who try to make the problem visible.³⁰ This strategy, called denialism, was also used by the tobacco companies at some point in history. Denialism has five characteristic elements³¹: 11) Accusing the other side of conspiracy, 2) The use of fake experts, 3) Drawing on isolated papers that challenge the dominant consensus or highlighting the flaws in the weakest papers, 4) The creation of impossible expectations of what research and science can deliver and 5) The use of misrepresentation and logical fallacies. All these elements were present in the debate on abortion. The purpose of denialism is to create confusion and uncertainty by diverting social discussion and distorting the understanding of the issue.

How to Respond to this Strategy? Questioning the numbers is easy: it is enough to cast a doubt as to their veracity without the need of providing proofs. However, showing the validity of the statistics and explaining complex social problems to the general public usually demand more time and dedication. To confront these strategies it is important that we actively expose this denialistic discourse manipulation used by anti-choice groups when entering into a debate on abortion. The general public recognition of this denialism will allow us to make this strategy visible and to work actively against its goal - to confuse and divert the attention. In order to achieve this, it is important to produce effective and clear messages.



30. Who are the Deniers? California Governor's Office of Planning and Research. Available at: http://opr.ca.gov/facts/the-deniers.html. 31. Diethelm, P. & McKee, M. (2009). "Denialism: what is it and how should scientists respond?" in European Journal of Public Health, 19(1), p. 2-4.

USE OF ALTERNATIVE "SCIENTIFIC" SOURCES

The strategy used to discredit the numbers is closely related to the strategy of using alternative "scientific" sources. Anti-choice speakers discredited the numbers by using sources which used questionable, unsound, and unreliable methods.

The Observatory on the Universality of Rights³¹ has already identified this strategy as one of the key tactics of anti-choice groups: "Though the goals, motivations and concerns of conservative actors are related to their extreme interpretation of religion, culture and tradition, the language they use in international politics debates reinforces and reproduces these regressive arguments by a proliferation of studies which pretend to have scientific and academic authority. This leads to a counter-discourse with a toxic mixture of traditionalist doctrine and social sciences." In this way they create their own compilation of "academic" sources which support their interpretations, goals, and interests and they disseminate it using conservative alternative media and the conservative civil society. This compilation becomes the foundation of their human rights advocacy, both at the international and at the national level, as they did during the debate on the Legalization of Abortion in Argentina.

Abortion and its Impact on Maternal Mortality

Anti-choice speakers used alternative "scientific" sources related to academic centers identified with a religious affiliation to demonstrate that abortion has no impact on maternal mortality. They maintained that legalization would not help reduce the number of maternal deaths, and repeatedly quoted a research carried out in Chile but which was not endorsed by the international scientific community. It was even argued that abortion legalization has no effect whatsoever on the reduction of maternal mortality and of mortality due to abortion. Using examples of alternative "scientific" research they tried to refute sound evidence from renowned academic and scientific institutes.

Those in favor used robust sources that show the positive impact that abortion legalization has on the reduction of maternal deaths due to abortion, on the improvement of abortion safety, on the prevention of mortality due to unsafe practices, on earlier access to health services and on the reduction of the costs for women and the health system. They also used academic papers and statistics from the Ministries of Health of different countries to support this evolution in health indicators and in the creation of services in those countries in which abortion has already been legalized.



32. Observatory on the Universality of Rights. (2017). Rights at Risk. Observatory on the Universality of Rights Trends Report 2017. Available at: https://www.awid.org/sites/default/files/atoms/files/rights-at-risk-ours-2017.pdf

However, anti-choice speakers used an active strategy to invalidate the data provided by national, regional and international institutes of renowned academic and scientific record. They accused pro-choice speakers of being "abortionists" and of having other interests, and thus they tried to divert the attention and to avoid discussing the substantial data produced by these academic sources which strongly contradict the data from the alternative "scientific" sources used by anti-choice speakers.

Post Abortion Syndrome

They also resorted to conservative "scientific" sources that use unsound research methodologies to assert that abortion leads to "post abortion syndrome." This narrative has already been used in the United States and was more strongly instilled in Argentina during the debate on abortion. On the one hand, there were physicians who referred to this syndrome in their speeches and, when asked about the scientific evidence that supported them, they claimed that this was based on their work and experiences in their consulting rooms. On the other, some speakers presented data of dubious scientific validity. Based on these arguments, anti-choice speakers argued that every woman who undergoes an abortion experiences this syndrome, which presents one or more of the following symptoms: anguish, anxiety, pain, sadness, depression, irritability, feeling of blindness, exaltation, inability to self-project, lack of concentration, feeling of guilt, inability to self-forgive, death and suicidal ideation, alcoholism and drug addiction, among others. This supposed syndrome would affect not only women but also their relationship with partners and relatives. It was claimed that male parents present the same symptoms and suffer in silence. With a false protective attitude, they used this paternalistic rhetoric to stress that women should be protected from the supposed negative consequences of abortion. Even when the World Health Organization (WHO) does not recognize the existence of "post-abortion stress", it was argued that it does recognize the existence of "post-traumatic stress", which has the same effects. However, it is not the same disorder.

Several international researches have proved that such syndrome does not exist and that it is actually the denial of an abortion or the conditions under which is it provided that harm women's mental health. It is restricted legalization, silence and concealment which lead to this disorder. The Turnaway study,³³ on the denial of safe abortion in the United States, concluded that there is no evidence as to abortion causing anxiety, depression or an increase in the rate of suicide. On the contrary, those women who had been denied an abortion were the ones who experience the more intense symptoms of anxiety and anguish, as well as socioeconomic and psychological consequences and who put their physical health at risk due to an unsafe abortion.

Despite the lack of sound research to support their arguments, anti-choice speakers disseminated the supposed "post-abortion syndrome" in the attempt to spread fear in women and to put barriers to the access.



33. Biggs, A. (2018). "The mental health impact of receiving vs. being denied a wanted abortion," in Advancing New Standards in Reproductive Health (ANSIRH). Turn Away Study - Mental Health Impact. Summary.

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Abortion Safety

Abortion safety is another issue in which anti-choice speakers tried to discredit the results of sound academic sources by using alternative "academic" ones. They emphasized the complications that abortion has per se, regardless of the regulatory framework, the social context or the health conditions under which the abortion is performed. With these arguments, they tried to call into question the safety of each one of the available technologies, the potential complications associated to them and their invasive nature. They used these arguments with the purpose of spreading fear as to the practice of abortion and its safety.

For instance, they tried to call into question the safety of misoprostol by pointing out the different complications that may result from using it. They also disseminated inaccurate information on the use and risks of this practice. However, the WHO supports the use of misoprostol for health care in its List of Essential Medicines³⁴ and in many of its reproductive health guidelines.³⁵ Besides, as Ipas³⁶ indicates: "A misoprostol-only regimen has lower success rates of about 80-85%, with continuing pregnancy rates of 3-10% and complication rates of 1-4% up to 13 weeks gestation."

Some speakers mentioned the case of France as an example of misoprostol unsafety and claimed that in that country the medication had been withdrawn from the market. However, France did not prohibit misoprostol as the drug itself but one of the brands under which it was commercialized. This variant was initially devised for stomach ulcers and it was then used to perform abortions. Not only was it vaginally instead of orally administered (the originally intended route of administration), but it also contained higher doses of the medication. This high dose made its use difficult, as the pill had to be broken down into eight parts. Therefore, another version with the proper dose began to be used.³⁷

How to Respond to this Strategy? If we compare the arguments and sources of anti-choice and of pro-choice speakers, pro-choice speakers have a clear advantage in the use of sound academic sources, as they refer to renowned national and international scientific research institutes. However, anti-choice speakers tried to cast doubts and spread fear even when they were not able to support their arguments. It is important that we deliver a clear message to counteract these fearful messages and to provide women with the proper information. Therefore, we must continue to clearly and conclusively present academic and scientific evidences.



34. World Health Organization (2019). WHO model List of Essential Medicines. 21st list, 2019. Available at: https://apps.who.int/iris/handle/10665/325771. 35. For example: Safe abortion: technical and policy guidance for health systems (WHO, 2012); WHO recommendations for the prevention and treatment of postpartum haemorrhage (WHO, 2014), available at: https://www.who.int; and Medical management of abortion (WHO, 2018), available at: https://apps.who.int.

36. Ipas (2019). Clinical Updates in Reproductive Health. Recommendations for abortion before 13 weeks gestation. Available at: https://www.ipas.org/ clinical-updates/before-13/ma/safety-and-effectiveness.

37. Luchetti, G. and Ramón Michel, A. (2019). Misoprostol. Un medicamento esencial. Nº10 REDAAS series of papers. REDAAS: Buenos Aires, August 2019.

OFFENSIVE AT THE SENATE

After more than 130 hours of debate at the committees' plenary sessions at the Chamber of Deputies (15 sessions with a total of 701 speakers), an active incidence of civil society in the social and political life, and many street demonstrations throughout the country, the Voluntary Termination of Pregnancy Bill received a preliminary approval at the Chamber of Deputies and was sent to the Senate for voting. However, when the Bill went to the Senate, the debate dynamics changed. The methodology used was the same one but to a lesser scale (7 meetings and 144 speakers), the political alliances that had been achieved at the Chamber of Deputies could not be achieved at the Senate and the people in it did not show the same coordination as at the Chamber of Deputies. People against the Bill increased in number and intensity, as well as their street demonstrations, presence in the media and in the debate at the committees' plenary sessions.³⁸

At the informative meetings at the Senate committees' plenary sessions the atmosphere was noticeably more hostile. Differences were obvious, even from the space layout: instead of a single table which the speakers shared and a use of time carefully and evenly distributed among all the speakers, at the Senate there was a physical distance between Senators and speakers (who were not even offered a glass of water throughout the committees' very long sessions that were held) and the use of time was unevenly and arbitrarily distributed. Anti-choice senators had a strong presence during the questions. After each exposition, the senators were given the chance to ask questions but, unlike the debate at the committees' plenary sessions at the Chamber of Deputies where the committee in charge read the Deputies' questions and there was a restricted amount of time to answer, at the Senate's committees' plenary sessions the Senators themselves were the ones who asked, and this resulted in sessions which, at times, turned out to be extremely long and in questions which were openly hostile towards those speaking in favor of the Bill.

Discrediting of International Bodies

During the debate at the committees' plenary sessions at the Chamber of Deputies the argument stating that the proposed change to the legislation was the result of international pressures aimed at controlling world population growth was constantly repeated. This argument was also reproduced at the Senate's committees' plenary sessions. It was maintained that different international bodies, such as the FMI, the World Bank and the United Nations Population Fund, aimed at population control in "underdeveloped" countries. It was claimed that this population control puts the country's demography at risk and may lead to a decrease in its birth rate. According to this point of view, these international entities, together with other national and international powers, are putting pressure on and financing abortion legalization in "developing" countries. Supposedly, these international actors are interested in decreasing a country's population in order to take advantage of its natural resources, to control its finances and markets and to keep control of the political power. It was claimed that this is a "modern imperialism" with the resulting need for cultural colonization.



The Observatory on the Universality of Rights also identified this strategy of invalidating the work carried out by regional and international bodies as one of the key opposition strategies and tactics: "Anti-rights actors have described UN agencies like the World Health Organization, the United Nations Children's Fund (UNICEF), and the United Nations Population Fund (UNFPA) as anti-family and as population ideologues." Besides, these opposition groups tried to promote the idea that these entities are overstepping their mandates and are, therefore, a major threat to national sovereignty.³⁹

At the Senate's committees' plenary sessions, this strategy was combined with a direct attack at the pro-choice civil society speakers, and a questioning in relation to the foreign funding. These questions and inquiries were reproduced in Argentinean media⁴⁰ though, strangely enough, this did not generate the same interest to look into the financing sources of the anti-choice movement institutions and activists.

Casting Doubts as to the Funding of Pro-choice Organizations

One of the anti-choice discourse strategies during the informative meetings at the Senate's committees' plenary sessions was using the time for questions to cast doubts as regards the interest behind the actions of pro-choice civil society organizations and to inquire about their funding. It was argued that organizations in favor of legalization received financial support from international organizations and foundations that want to impose an imperialist and population control policy in Argentina. With these arguments, they tried to discredit speakers, organizations, and their long-standing track record in the fields of sexual health and reproductive rights.

However, even though anti-right groups try to present themselves as the guardians of national interests, it is very likely that they have connections with foreign organizations and institutions. LaMalaFe informed that "a group of fundamentalist evangelical leaders connected to the White House reached many Latin American countries with their ministries."⁴¹ Capitol Ministries, a religious organization sponsored by the White House which devotes itself to evangelize political leaders from all over the world, the White House Office of Faith-Based and Neighborhood Partnerships and other powerful evangelic leaders from the United States have established strong alliances with national and local political leaders in countries in eight countries in Latin America: Mexico, Honduras, Brazil, Peru, Uruguay, Ecuador, Paraguay and Costa Rica, and was about to open an office in Panama. It is also present in seven Latin American



39 Observatory on the Universality of Rights. (2017). Rights at Risk. Observatory on the Universality of Rights Trends Report 2017. Available at: https://www.awid.org/sites/default/files/atoms/files/informe_our_tendencias_en_derechos_humanos_2017-final.pdf. 40. See: La Nación. (2018). "Los intereses económicos detrás del aborto". Opinion Section. Available at: https://www.lanacion.com.ar/opinion/ los-intereses-economicos-detras-del-aborto-nid2151609.

41. Segnini, G. and Cordero, M. (2019). "Líderes evangélicos amparados por la Casa Blanca exportan agenda fundamentalista a América Latina" en LaMalaFe. Available at: https://www.lamalafe.lat/lideres-evangelicos-amparados-por-la-casa-blanca-exportan-agenda-fundamentalista-a-america-latina/. Parliaments and it already has its first ministry in a President's Cabinet in Honduras. Therefore, U.S. evangelical leaders have strong connections with political actors in Latin America. Though the investigation of LaMalaFe does not specifically identify that connection with actors in Argentina, the connection certainly exists and it is not very transparent.

Also, a research carried out by the British newspaper The Guardian ⁴² revealed that U.S. anti-rights groups invest millions of dollars in anti-abortion campaigns in Latin America and the Caribbean. According to this newspaper, Human Life International (HLI), a non-profit catholic group from Virginia, channeled over 1,3 million dollars between 2010 and 2015 to anti-rights partners in Latin America and the Caribbean. A research carried out by CNN ⁴³ revealed that, between 2000 and 2014, HLI granted 7,9 million dollars in funds to support anti-abortion activities in countries with very restrictive laws as regards the access to abortion, such as Mexico and El Salvador, among others. Another organization which has a strong connection with Latin America and the Caribbean is Heartbeat International, one of the largest crisis pregnancy centers network in the United States, which grants funds to Latin America affiliated members, so that they may develop a "crisis pregnancy centers" network aimed at persuading women to not interrupt their pregnancies. Heartbeat International has 32 affiliated centers in different provinces of Argentina: in the Autonomous City of Buenos Aires, in the Province of Buenos Aires, in Mendoza, Jujuy, Cordoba and Entre Ríos.⁴⁴

How to Respond to this Strategy? Ultimately, foreign anti-rights religious groups actively carry out a strategy to restrict access to abortion throughout the region. Though there is an obvious lack of transparency, conservative actors in Argentina very likely receive foreign support for their anti-abortion activities in the country. Therefore, the fact that anti-choice speakers accuse pro-choice organizations of receiving foreign funds is hypocritical. It is important to make the influence these foreign religious groups have on Argentina's politics visible in order to confront these arguments. By strengthening this knowledge we can formulate effective strategies to confront these ultra-conservative forces and act in an organized and coordinated manner.



42. Guardian. (2017). US groups pour millions into anti-abortion campaign in Latin America and Caribbean. Available at: https://www.theguardian.com/global-development/2017/oct/26/us-groups-pour-millions-into-anti-abortion-campaign-in-latin-america-and-caribbean.
43. Warren, R. (2019). Así es como organizaciones estadounidenses apoyan las leyes contra el aborto en México y en otros países. CNN, Mexico. Available at: https://cnnespanol.cnn.com/2019/03/12/asi-es-como-organizaciones-estadounidenses-apoyan-las-leyes-contra-el-aborto-en-mexico-y-en-otros-paises/.
44. Carabajal, M. (2019). Una visita a una página antiderechos camuflada. Página 12, Society. Available at: https://www.pagina12.com.ar/220128 -una- visita-a-una-pagina-antiderechos-camuflada?utm_term=Autofeed&utm_medium=Echobox&utm_source=Facebook#Echobox=1569202726.

NEGATIVE "WINING" ARGUMENTS

On June 14th, 2019, in a marathon session that began in the morning and lasted 23 hours, 95 Deputies spoke in favor of the Bill, 77 Deputies spoke against it and 1 Deputy explained her reasons from abstaining ⁴⁵. The Chamber of Deputies passed the Voluntary Termination of Pregnancy Bill with 129 votes in favor, 125 against it, 1 abstention and 1 absent deputy.⁴⁶Showever, the Senate rejected the Bill in the early morning hours of August 9th, 2018 with 31 votes in favor, 38 against it, 2 abstentions and 1 absent senator.⁴⁷ For more than 10 hours, 30 senators spoke in favor of the Bill, 30 senators spoke against it and 2 senators explained their reasons for abstaining.⁴⁸ What did the legislators say against legalization? Which of the negative arguments presented during the tens of committee sessions were repeated the most? This Section provides a summary of the negative "wining" arguments presented during the debate on the Voluntary Termination of Pregnancy Bill at the Argentine Congress.

Emphasis on the Value of Life - From the Social to the Legal Aspects

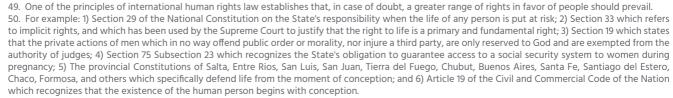
Speakers against legalization focused many of their arguments on the value of life, from the social, to the moral and legal aspects. The center of these arguments was the protection of life from the moment of conception and the importance of protecting "both lives", that of the woman and that of the embryo or fetus. They maintained that the life of the embryo or fetus deserves being protected because it is a vulnerable being that has the right to be born and to live ("everybody has once been an embryo"). They also argued that the embryo or fetus is not a woman's property but a life in itself, and therefore, we cannot objectify it nor discard it. They maintained that in the case of a collision of rights, the "best interest of the child", and not the woman's desire, should prevail since the State and Law should protect the weakest one, the embryo or fetus in this case, and that, in case of doubt, the pro-person principle should be applied ⁴⁹. They also emphasized that the right to life is a superior right and the foundation of the legal system which makes it possible to exercise all other rights.

Legislators against legalization maintained that the Argentine legal system consecrates and defends human life from the moment of conception, and that therefore the Bill aimed at legalizing the voluntary termination of pregnancy is unconstitutional and unconventional. To sustain this argument, they mentioned several provisions in the National Constitution, different provincial Constitutions and the National Civil and Commercial Code of Argentina⁵⁰. They also maintained that the Argentine National Constitution grants constitutional hierarchy to

45. Information prepared in-house, based on our own monitoring of the debate at the Chamber of Deputies.

46. Serra, L. (2018). Uno por uno, cómo votó cada diputado el proyecto de legalización del aborto. La Nación, Politics. Available at: https://www.lanacion.com.ar/politica/uno-por-uno-como-voto-cada-diputado-el-proyecto-de-legalizacion-del-aborto-nid2143835.

Clarín. (2018). Las 1000 voces a favor y en contra del aborto. Politics. Available at: https://www.clarin.com/politica/debate-aborto-las-mil-voces.
Information prepared in-house, based on the verbatim records of the debate at the Senate.





several international human right treaties that protect this concept of life.⁵¹ Therefore, they argued that the Bill could not be approved by the Argentine National Congress ("I swore by the National Constitution to respect and defend it".)

Proposal of "Better" Policies

Another argument that was stressed is that the regulatory reform proposed would not solve social problem nor would it provide more autonomy to women, but that it would actually promote more "deaths." It was maintained that the legalization of the practice would not act as a magical solution and that the already existing policies should be improved and better proposals should be found.

One anti-legalization public health argument which was frequently reproduced was that Argentina's health system cannot cope with the consequences of abortion legalization. It was claimed that there is a prevalence of other more urgent and imperative diseases and that abortion legalization would result in a competition for the use of public resources. However, several investigations show that legalizing abortion and guaranteeing access to safe abortions would result in savings in a large number of resources.⁵² Yet, anti-choice speakers made special emphasis on measures to discourage women from acting on their decision. They insisted that the State must provide other alternatives and improve public policies aimed at protecting, guiding, educating, supporting and accompanying women.

There were also many legislators who spoke in favor of decriminalization towards women, arguing that a woman should not go to jail for interrupting a pregnancy. They maintained that agreeing with abortion decriminalization does not go against defending the fetus or embryo's right to live.

The Stereotyped Woman and the False Subjugation of Men's Autonomy

In their speeches, legislators referred to the stereotyped roles of women. It was said that motherhood should be valued and interpreted as an essential women's right. It was also stressed that abortion goes against the "very essence of being a woman." It was maintained that being a woman implies having the ability to "give birth" and mainly of protecting the other person's life. It was also argued that a society in which motherhood is not considered a problem should be built and that the idea that women are capable of doing it all -carrying a pregnancy, having a family and being a professional- should be reinforced.



51. For instance: Section 4 Subsection 1 of the American Convention on Human Rights which manifests that the States shall protect life from the moment of conception and the interpretative declaration made by Argentina of Convention on the Rights of the Child recognizing life from the moment of conception. 52. For example: Monteverde, M. & Tarragona, S. (2019). "Abortos seguros e inseguros: Costos monetarios totales y costos para el sistema de salud de la Argentina en 2018," in Salud Colectiva, 15(2275).

It was also emphasized that the male parent was the great ignored in the debate - those "fathers" who want to look after their children are not considered in the Bill and, therefore, their rights to decide and choose a life project would be violated. It was maintained that if it is a decision made by women only, they will keep on being the only ones responsible for it and men would be freed from rights and obligations. With this reasoning, they tried to take ownership of the pro-choice argument on the right to decide, using a false subjugation of the male parent's autonomy.

These arguments were used more often in the debate at the Chamber of Deputies, and less often at the Senate.

Criticisms Made to the Bill

Legislators highlighted the alleged weak points of the Bill, such as criminalization and interpretations of the legal indications after the 14 weeks. They argued that the Bill does not propose a paradigm shift as regards criminalization and that it is necessary to review abortion criminal law. It was claimed that the passing of the Bill would mean changing to an unrestricted abortion system. Thus, women would have the right to get an abortion on demand up to the 14th week of pregnancy and it would make the existing legal indications more flexible therefore leading to an "absolute legalization." They also emphasized the "arbitrariness" of the time limit (the Bill establishes this limit at 14 weeks), other legislators who proposed some changes spoke of 12 weeks and in some countries 18 or 24 weeks apply.

They also pointed out to the prohibition of institutional conscientious objection; they maintained that a denominational institution, which in its very basis supports other ideas and feelings, cannot be forced to practice voluntary abortions.

Scarce Use of Medical or Scientific Statistics and Arguments

Scientific and medical arguments as well as data and statistics did not find as much echo in the anti-choice arguments in the debate in both Chambers, as the arguments focused mainly on the legal, social, cultural and moral aspects. This difference was especially noticeable at the Senate, where only 6 anti-choice senators used data or statistics in their expositions.⁵³ Neither biological nor medical arguments were used in depth. Which public health arguments found more echo at the National Congress?



53. Information prepared in-house, based on the verbatim records of the debate at the Senate.

In both Chambers, statistics and data-based arguments against abortion legalization tried to minimize the role that maternal deaths due to abortion play in the maternal deaths statistics. At the same time, they made a strong effort to discredit the annual abortion estimates in Argentina. It was also argued that legalization does not reduce the rate of abortions nor the number of maternal deaths due to abortion. Data was used to argue that abortion is not a public health priority issue, given the lack of resources for sexual and reproductive public policies. To support these arguments and with the purpose of discrediting the numbers presented by pro-choice speakers, alternative "scientific" sources were quoted.

The very few medical and/or scientific arguments used in both Chambers only barely discussed the genetic and embryologic aspects, and when referring to life from the moment of conception. For instance, it was claimed that there is a new DNA, different from that of the "mother" or of the "father." However, neither at the Chamber of Deputies nor at the Senate were these aspects discussed in depth.

Immorality and Imperialism

Finally, at both Chambers it was maintained that the proposed regulatory modification is associated to immoral, antidemocratic, and population control actions. It was emphasized that there are foreign interests that put pressure on the debate so as to program and decrease the birth rate worldwide. These arguments were aimed at discrediting international bodies and casting a doubt as to their relationship with the national pro-choice civil society. It was also claimed that abortion conceals violence and other crimes, and that it may result in discrimination, forced sexuality and abuse situations and, therefore, it goes against the demands for the eradication of violence against women and children. It was maintained that the Bill does not imply a step forward towards a more egalitarian and open society; on the contrary, it would lead to a divided, fractured and intolerant society. Emphasis was made on the importance of bridging the gap, of listening to other people, of acknowledging differences to try to understand them and find points in common. However, no concrete proposals were made. It was also argued that legislators should not leave aside their own convictions when voting, as the issue has to do with conscience, moral and values.



How to Respond to this Strategy? The purpose of this analysis of the "wining" arguments is to sum up the key arguments used by those who spoke during the sessions to support their position against the Bill. For future debates, be them national or regional, it is crucial that we know which anti-rights arguments find more echo in decision makers. By reviewing the key arguments of the political anti-choice actors, we may put together an effective strategy to confront them. In our analysis of the legislative debate on the Voluntary Termination of Pregnancy Bill in Argentina it became obvious that the arguments in favor of legalization were more rational, objective and compassionate than those provided by those against the Bill.⁵⁴ We can make strategic use of this solid ground to counteract the arguments against legalization.

CONCLUSION

This Bill was one of the most discussed and debated ones in the history of the Argentine Congress since the return of democracy, both in the floor and outside it, in the streets, in the media, at work, during family dinners. The organization of the informative meetings with experts who were invited to take part in the debate in both Chambers and its live broadcasting were an example of what a legislative debate could and should be like in a democracy. Though the result was not the one that the women's and feminist movement wished for, we may conclude that Argentina underwent a historical process which served as a trigger for the whole region. The debate gave impetus to the green flood and to social decriminalization of abortion. But it also gave impetus and visibility to the anti-rights, conservative and fundamentalist movement. This tendency is present throughout the whole region and puts women's and other vulnerable groups' rights at risk. It is essential that the feminist and women's movement strategically fight against these messages and the acts of hatred and intolerance. The debate on abortion in Argentina helps identify the strategies and arguments used by anti-choice groups against abortion and sexual and reproductive rights.

In this document we highlight eight discourse strategies used by anti-choice groups during the legislative debate on the Voluntary Termination of Pregnancy Bill, and we developed possible strategies to counteract them.

Strategy 1 - Reproduction of religious dogmas in the traditional anti-rights arguments, using moral and human rights language to preach against sexual and reproductive rights.



54. REDAAS. (2019). From Clandestinity to Congress An Analysis of the Voluntary Termination of Pregnancy Legislative Debate in Argentina.

What should we do?

- Expose the falsehood and inconsistency in the arguments.
- >>> Dismantle their arguments to expose their misuse of moral.
- >>> Expose the religious dogmas hidden behind their human rights arguments.

Strategy 2 - Use of human rights language, with a biased, whimsical and literal interpretation of the legal rules in force and a threatening attitude towards the members of Congress, to hide the religious dogmas behind those arguments.

What should we do?

- Identify the argumentative fallacies they use to hide the religious dogmas and the interests and ideas behind their assertions.
- >>> Reveal and specify the inconsistencies in the use of international standards.
- Produce clear messages on the regulatory framework in force to challenge the sensationalist and disturbing messages of anti-choice groups.

Strategy 3 - Appropriation of anti-choice arguments, such as the implementation of Sexual and Reproductive Health Services (SSyR) and Comprehensive Sex Education (ESI), traditionally used by feminists and activists for the right to decide.

What should we do?

- Expose their weaknesses and the hypocrisy of the arguments they took ownership of.
- >>> Dismantle their arguments with short, clear and effective ones.

Strategy 4 - Storytelling: between fake empathy and morbid fascination. It involves telling a (personal or third-party) story about the supposed "horrors" of abortion, with the purpose of producing specific feelings and emotions in the person reading or listening to it, and it takes advantage of the atmosphere created by the story to influence public opinion and the opinion of women who make the decisions.

What should we do?

- Make the voices of women and of gestating subjects visible, always respecting the intimate experience and personal decision to narrate it or not.
- >>> Present public stories that de-stigmatize the experience and the procedure.



Strategy 5 - Questioning the numbers: of induced abortions in Argentina, of maternal deaths as a result of unsafe abortions, and the impact of legalization on the number of abortions, among others. Use of denialistic strategies without providing reliable data with scientific endorsement.

What should we do?

- Give visibility to denialism, and actively highlight this anti-choice discourse strategy.
- >>> Devise strategies to fight their goals to confuse and divert attention.
- >>> Produce clear and effective messages.

Strategy 6 - The use of alternative "scientific" sources, which support anti-choice interpretations, goals and interests, producing a conservative doctrine counter-discourse, based on social sciences and disseminated using alternative conservative media and conservative civil society.

What should we do?

- >>> Produce effective messages to counteract their fearful messages.
- >>> Develop strategies to provide women and subjects capable of gestating with the correct information.
- >>> Exhibit academic and scientific evidences in a clear and attractive way.

Strategy 7 - Offensive attitude at the Senate committees' plenary sessions, with question sessions which were extremely long and hostile, aimed at discrediting international bodies and related civil society organizations.

What should we do?

- Make the relationship between foreign conservative groups and Argentina's conservative civil society visible.
- >>> Disclose the financing of local conservative and anti-rights groups.
- >>> Systematize the work of anti-rights groups.
- >>> Devise effective strategies to confront these conservative forces and act in an organized and coordinated manner.

Strategy 8 - The use of these negative "wining" arguments during the debate on the Voluntary Termination Pregnancy Bill at the Argentine Congress - emphasis on the value of life, the stereotyped woman, the false subjugation of the male parent's autonomy, proposal of "better" policies, immorality and imperialism. Also, scarce use of medical or scientific statistics and arguments.

What should we do?

- Systematize and monitor the anti-rights arguments that found more echo in anti-abortion political actors.
- >>> Devise strategies and produce messages to counteract and dismantle these anti-legalization arguments.

By identifying these anti-rights discourse strategies we aimed at providing an overview of the arguments and tactics most frequently used by the opposing actors during the debate. Obviously, this is not a full list and other discourse strategies may be identified. It is also important to analyze and systematize other anti-choice strategies used during the debate, such as social, political and cultural strategies.

With this analysis, we aim at improving our collective knowledge of anti-choice groups to use it as a tool to get to know their strategies, discourses, actors and impacts better. We hope that we can organize ourselves in a strategic and coordinated way in order to preserve our sexual and reproductive rights and to ensure that abortion will be legalized throughout the whole of Latin America.



REDAAS is a network of health and legal professionals associated with public and community health services in Argentina. Our commitment is to accompany and assist women in situations of legal abortion, understanding it as part of our professional, ethical and legal duty. Our goal is to help eliminate institutional and political barriers to access safe and legal abortions, promote appropriate interpretation and application of the causes contemplated in the current regulations and build a community to share information, exchange experiences and offer a space of solidarity, encouragement and political support.

The creation of this network started in 2011 as an initiative of the Health, Economy and Society Area of CEDES - Centro de Estudios de Estado y Sociedad - and was institutionalized under the name of REDAAS in 2014, in a joint construction with ELA - Equipo Latinoamericano de Justicia y Género.





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