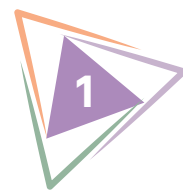


# STRATEGIES TO DENY RIGHTS

## An Analysis of Anti-choice Groups' Strategies during the Voluntary Termination of Pregnancy Debate in Argentina

Maïte Karstanje, Nadia Ferrari y Zoe Verón.

In 2018, Argentina underwent a historical debate on the right to abortion with the passing of the Voluntary Termination of Pregnancy Law (VTP Law 27610). For this to take place, the progress made on consolidating and making women's and feminist movements and, specially, the "green wave" (which grew stronger after the 2018 legislative debate), politically visible was essential. However, this has not been an easy path. The Voluntary Termination of Pregnancy Bill rejection in 2018 gave an important boost to anti-choice groups, which kept on growing and relentlessly fighting back to prevent the passing of the Bill and to put barriers to the access to this right in 2020. This document compiles anti-choice groups' strategies used during the legislative debate on the VTP Bill that took place in 2020 in Argentina, and also the legal actions taken after the passing of the Law to hinder the access to these rights. Now that anti-choice, conservative and fundamentalist groups are more present than ever throughout the region, it is essential that feminist and women's movements strategically fight to dismantle the consequences of the hate and intolerance messages and actions of these groups. We hope this document may contribute to strengthen and protect sexual and reproductive rights in Argentina and region-wide, and that the pro-choice movement keeps on growing stronger until abortion is legal throughout Latin America.



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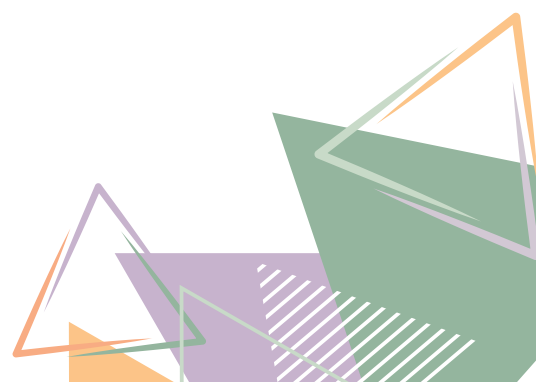
The monitoring reports are available at: <http://www.redaas.org.ar/nuestro-trabajo-documentos>.

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Every attempt has been made to avoid the use of sexist language in this document.



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## Prologue

The Catholic hierarchy and its allied sectors have been important political actors over the course of history in the region, particularly when the regulation of family and sexuality come into debate. During these debates, religious and political sectors that advocate for a universal morality are triggered to act against any reform related to, among others, marital system, kinship or the so called “good customs.” Though the history of law is traversed by religious and political alliances that protect “family” and “Christian” values, the impact of feminists and LGBTQ+ movements has created a new temporariness which, for instance, is evident in the creation of new conservative partnerships that advocate for these values. The aforementioned movements made visible and legitimized ethic pluralism as a democratic regulation of the reproductive and sexual identity practices. Thus, they not only confronted the hetero-patriarchal hegemony of the legal field by proposing new paradigms to regulate gender and sexuality, but also the religious hierarchy hegemony by making the pluralism that characterizes religious identification forms evident.

In this dispute, the ways in which abortion is regulated has been one of the main arenas. Feminism pushed the legal boundaries to include voluntary access to abortion as a right and not (only) as a crime. It is therefore not surprising that, given this pushing of boundaries, some sectors of the moral and religious conservatism are triggered to establish new political structures that defend life from the moment of conception as a universal value. For these sectors, not only abortion regulation is at stake here, but also a construct of the social world and its certainties. When the universal morality which acts as a regulatory principle of sexual and reproductive practices is torn apart, a regulatory framework of protected manners of inhabiting the world also falls apart. For some, democratization of sexual order implies being exposed to threats that must be resisted and which, to a certain point, account for the hostility in some conservative reactions.

Latin American countries are the scenario of conservative reactions which, in an attempt to restore a moral order, have different degrees of impact on these countries’ politics. Though, at some point, this reaction could be perceived as something that would eventually disappear, the current spread of conservatism - or, to be more accurate, of neo-conservatism - as political rationality, is tearing apart regional democracies. An increasing number of studies that, with various approaches, focus on conservative politicization of morality, account for this. This series of analyses make it possible to understand the different aspects of contemporary conservatisms by reviewing the analytical and regulatory frameworks that give sense to them - the ways in which they go beyond the boundaries between religious and non-religious issues; the transnational dimensions of the phenomenon; their several adaptations to the main democratic arenas; and how they articulate with the system of political parties, among others.

The text hereby presented is an approach to this problem, based on an analysis of conservative reactions, labeled as anti-choice, during the parliamentary debates that took place in 2018 and in 2020 and which led to the passing of Law 27610. While acknowledging how the so-called pro-life activism was conformed, these two points

in time are essential to understand the rearrangements that took place to counteract the advance of feminism. As it is recorded in this document, during these years, this activism produced a range of strategies and arguments with the purpose of preventing a legal reform that may broaden the access to voluntary termination of pregnancy. As in many studies aimed at understanding neo-conservatism, this document is driven by feminist organizations which, crossing the borders between activists and scholars, have produced a large part of the knowledge available on this issue.

Though this document does discuss each aspect in an exhaustive manner, we want to point out in this prologue those that are essential for the understanding of moral conservatism as a political phenomenon. A first emerging process - which we might define as the conservative activism professionalization process - is the increasing presence of legal and health professionals as experts against the Bill. In line with other research, one of the aspects of neo-conservatism is, precisely, focusing the advocacy of the traditional sexual order on actors and arguments that transcend the fields of morality and religion (though these are, no doubt, the bases of neo-conservatism.) This professionalization is also evident in the diversity of arguments used during the parliamentary debate to defend life from the moment of conception, more specifically, in those presented as “scientific rationale” in this document. To confront the lost hegemony in the fields of morality and religion, conservative activism switches its arguments towards legal and medical “technical” arguments regarding the boundaries of the Bill; it becomes more professional and, in doing so, it separates the moral/religious from the public domain and presents the debate as a legal and/or biologic conflict.

Another relevant axis of this document is the weakening of democracy produced by some anti-choice sectors. Though neo-conservatism is a result of democratization processes, this does not imply ignoring that it violates, at least in part, some democratic principles - a phenomenon which many papers have defined as de-democratization. Arguments and identities related to religious beliefs are (also) a legitimate part of the democratic public sphere; however, as this document sets out, this does not imply that we should ignore that certain strategies undermine the democratic quality of the debate. For instance, we analyze the “escraches” (direct action demonstration which involves publicly harassing public figures) at the homes or in the social media of legislators as a way of putting pressure on them, which was most commonly seen during the 2020 parliamentary sessions. Together with the fake news and the messages of hate and fear (examples which are also analyzed in this report), the “escraches” also bring about some complex questions as to the regulatory boundaries of some of the manners and contents of public interventions and statements.

Another relevant axis of this document, and on which there is not yet enough research, are the ways in which conservative activism reacted after the passing of Law 27610. This activism adapts itself to the different situations and, as it failed to prevent the legal reform, it now addresses its efforts to delegitimize it by judicializing it. As it is pointed out in this document, conservative activism implements strategies similar to those of feminism, and strategic judicialization is precisely used to prevent the enforcement of the Law and/or to impede the access to voluntary abortion. The study reveals at least 30 court cases (writs of amparo, injunctions, unconstitutionality claims, among others), brought against the State and against some Provinces to prevent the enforcement of the

recently passed Law. An interesting finding was that, apart from the self-proclaimed pro-life NGOs, there are representatives of political parties among those that promote these actions.

Multilocation is another aspect of conservatism discussed in different parts of this document. Though this document focuses on the situation in Argentina by analyzing the parliamentary debate, it also sheds light on the international and local dimensions of anti-choice activism. On the one hand, conservative actors and/or arguments go beyond the national borders as this is an activism which has a clear transnational structure - the impact that religious hierarchies (be them Catholic or Evangelic) and self-proclaimed pro-life activism have shall be understood beyond its vernacular expressions. On the other, conservatism uses the defense of the local domain (be it provincial or municipal) as a strategy that comes up at different times during the abortion debate. The defense of provincial autonomy, as opposed to a centralist imposition, was one of the argumentative axes both in the arguments as well as in the legal strategies used. Conservative activism strategically politicized federalism, presenting the local/provincial domain as a morality reservoir and a legal boundary to abortion decriminalization.

Finally, this document proposes ways of acting or answering to the different conservative strategies so as to expand rights. In the analysis of anti-abortion legalization actions, some strategies to counteract those actions are proposed, which include, for instance, making visible, monitoring, strengthening of partnerships, creation of maps, developing of arguments and the search for more original messages. Apart from providing a more thorough view of conservatism, this document proposes some possible answers so as to guarantee that abortion is a right. These reflections on the counter-strategies are part of the lessons learned from the Argentinean case and which may be useful in contexts where the expansion of abortion rights is still ongoing.

This document, in line with others on this issue, analyzes the strategies used by conservative activism to prevent abortion legalization so as to show how complex this activism is. The political forms of moral conservatism adapt themselves to different times and contexts and, in doing so, they challenge static and simplifying assumptions on this issue. This document pushes us to be up-to-date, to look for new information and, also, to constantly rethink the strategies used by the movement for sexual and reproductive rights.

**Juan Marco Vaggione<sup>1</sup>**

## INTRODUCTION

In 2020, we all witnessed the unprecedented global health crisis caused by the COVID-19 pandemic. This health crisis has directly and indirectly impacted the lives and rights of women, adolescents, girls, lesbians, trans, travesties and non-binary identities, disabled women, and indigenous, Afro-descendants and migrant women. However, with the passing of the Voluntary Termination of Pregnancy Law (VTP Law 27610), 2020 also represented a turning point in the acknowledgment of women's reproductive rights in Argentina.<sup>2</sup>

On March 1st, 2020, at the opening of sessions in Argentine Congress, President Alberto Fernández announced that he would be sending an abortion legalization Bill within the next ten days.<sup>3</sup> However, two days after his speech, the National Ministry of Health reported the first COVID-19 case in Argentina<sup>4</sup> and on March 12th the President declared a state of health emergency for one year.<sup>5</sup> On November 17th, 2020, a Bill aimed at abortion legalization and decriminalization up to the 14th week of pregnancy was finally sent to the Argentine Chamber of Deputies.<sup>6</sup> At the same time, the Executive branch of government also sent the Pregnancy and Early Childhood Health Care Bill (the so-called “1,000 Day Plan”) aimed at providing various health services, during pregnancy and early childhood.<sup>7</sup> In this way, a new legislative debate on the regulatory modification of abortion regulation began in Argentina.

In this opportunity, the debate took place much faster than in 2018, and it made reference to the lessons learned and the arguments provided during the previous debate. On December 1st, the General Legislation, the Criminal Legislation, the Women and Diversity Health, the Public Health and Social Action Commissions of the Chamber of Deputies began to discuss the Bill in its plenary sessions.<sup>8</sup> The heads of the commissions, Cecilia Moreau, Mónica Macha, Carolina Gaillard and Pablo Yedlin, respectively, opened the debate and invited the public officials from the Executive branch of government - the Minister of Women, Gender and Diversity Ms. Elizabeth Gómez, the Minister of Health Mr. Ginés González García, and the Legal and Technical Secretary of the Presidency Ms. Vilma Ibarra, who coordinated the drafting of the Bill. Then, and during three days, 73 experts presented their arguments for and against the Bill at the committees' plenary sessions.<sup>9</sup> On December 10th, on the International Human Rights Day, which also marked the 37th year of the return of democracy in Argentina, Voluntary Termination of Pregnancy legalization was debated for a second time at the Chamber of Deputies. In a marathon session that lasted more than 20 hours, 93 speakers in favor of the Bill, 71 against it, and 3 that abstained, explained their points of view as regards the Bill under debate. The Chamber of Deputies passed the VTP Bill with 131 votes in favor, 117 against, 6 abstentions and 1 absent deputy, and then sent it to the Senate.<sup>10</sup> Four days later, the Women's Bench, and the Health and the Criminal Matters Commissions began to discuss the Bill at the committees' plenary with the presentation of officers from the Executive branch of government. During four days, 56 experts provided their arguments for and against the VTP Bill. On December 29th, the Senate debated the regulatory modification of abortion regulation for a second time, and after a session that lasted more than 12 hours, the Access to Voluntary Termination of Pregnancy Law was passed, with 38 votes in favor, 29 votes against, and one abstention.<sup>11</sup>



The progress made on consolidating and making women's and feminist movements and, especially, the “green wave (which grew stronger after the 2018 legislative debate) politically visible was essential for the Bill to reach Congress again. This has not been an easy path. The anti-choice movement, which appeared and became visible during the Same-sex Marriage debate in 2010, became much stronger throughout the country during the abortion legalization debate in 2018, and new organizations, networks and partnerships were created.<sup>12</sup> The VTP Bill rejection in 2018 was an important boost for these groups’ cause, and they kept on growing and relentlessly fighting back to prevent the passing of the Bill and to impede the access to this right in 2020. Their strategies included communication aspects, such as the production of messages that the different organizations or speakers reproduced in their social media, virtual and in-person “escraches” targeted at different legislators (to the point that a protection committee had to be created), massive demonstrations in several locations in the country and the appropriation and modification -for their own benefit- of pro-choice arguments.

Argentina underwent a very thorough and intense democratic debate that made it possible to identify these anti-choice arguments and strategies beyond the context in which the debate took place. As anti-choice groups used these strategies at a regional, and even at a global level, the debate in Argentina helped gain an in-depth knowledge of the position, arguments and tactics these groups use in their fight against abortion legalization and sexual and reproductive rights. This document compiles anti-choice groups’ strategies used during the legislative debate on the VTP Bill that took place in 2020 in Argentina, and also the legal actions taken after the passing of the Law to impede the access to these rights. First of all, the document shows the profile of those who spoke against legalization, and then, it describes seven strategies used by anti-choice groups during the debate in Argentina: “escraches,” attacks and other activities to put pressure on legislators; the use of social media to campaign against abortion legalization; public activities and campaigns against abortion legalization; discourse strategies used to delegitimize legalization; discrediting of pro-choice organizations and authorities; most effective and resonant negative “winning” arguments; and legal actions to prevent the passing and enforcement of the Act. In this document, every anti-choice group’s strategy is accompanied by a possible answer to counteract it, which may serve as trigger to start thinking about different ways to respond to these anti-choice attacks in the future.

We hope this document may contribute to strengthen and protect sexual and reproductive rights in Argentina and region-wide, and that the pro-choice movement keeps on growing stronger until abortion is legal throughout Latin America.

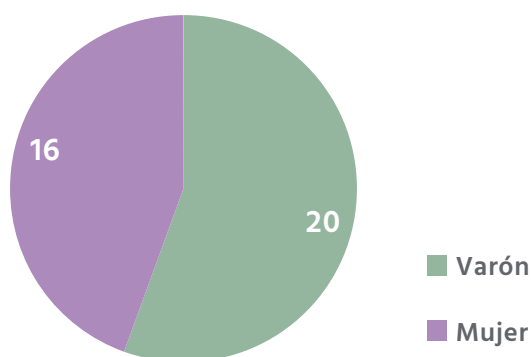
## PROFILE OF ANTI-CHOICE SPEAKERS

For the 2020 legislative debate, the methodology was similar to that of 2018, but with fewer speakers. In 2018, informative meetings were held twice a week over a period of three months (two months in the Chamber of Deputies and one month in the Senate). They were in-person meetings with a total of 845 participants. In 2020, the time frame for the debate was much shorter - it lasted only one month during which three meetings were held at each chamber. In this document, we focus on the profiles of those who spoke against the Bill.

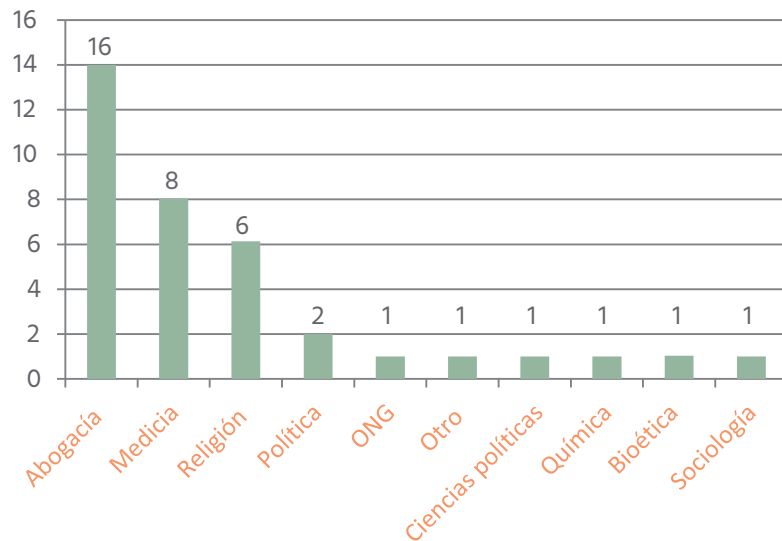
Speeches before the Chamber of Deputies' commissions took place between December 1st and 3rd (included), and the first ones to speak were three public officials of the Executive branch of government, who spoke in favor of the Bill: Ginés González García, Minister of Health; Elizabeth Gómez Alcorta, Minister of Women, Gender and Diversity; and Vilma Ibarra, Legal and Technical Secretary of the Presidency. Not including those who represented the Executive branch of government, there were 73 speakers, 36 against and 37 in favor of the Bill.

Of the 36 speakers against the Bill, there were more men<sup>13</sup> (20) as compared to women (16). As regards the professions, most of the speakers came from the field of law (working either as lawyers or as university professors) and in second place, from the field of medicine: 14 speakers presented themselves as lawyers and 8 as physicians. The next predominant group was the religious one, with 6 speakers who introduced themselves as priests, pastors, rabbis, bishops or representatives of the Argentinean Islamic Center (CIRA, for its acronym in Spanish). To a lesser extent, other professionals from the field of political sciences, bioethics, chemistry, and sociology, as well as members of different organizations and former members of government (one former provincial minister) were present.

### Gender of Anti-Choice Speakers that presented before the Chamber of Deputies



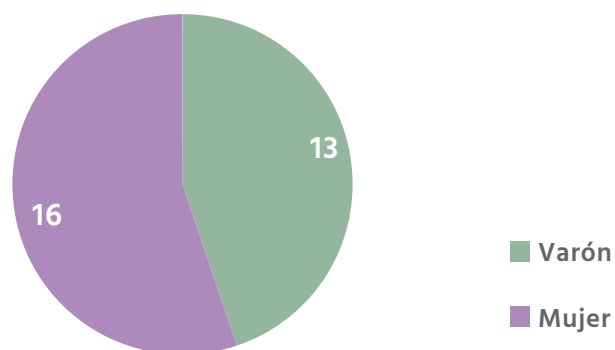
## Professions of Anti-Choice Speakers that presented before the Chamber of Deputies



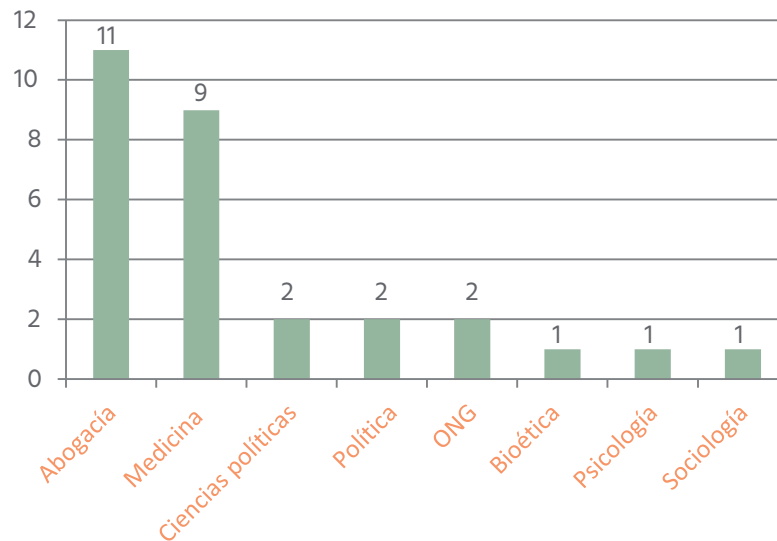
The speeches at the Argentinean Senate's commissions took place from December 14th to the 17th (included). The first day was devoted only to public officials from the Executive branch of government (again, González García, Gómez Alcorta and Ibarra). Fifty-six speakers participated in the remaining three days of the debate, 27 in favor and 29 against the Bill.

In this case, there was a difference as regards gender as compared to what had happened in the Chamber of Deputies. More women (16) than men (13) spoke against the Bill. As regards professions, the tendency was similar to that seen in the Chamber of Deputies: most of the speakers identified themselves as professionals from the field of law (11), followed by those from the field of medicine (9). There was a minority of professionals from other fields, such as bioethics, political sciences, sociology, and psychology, as well as members of various organizations. As opposed to what had happened in the Chamber of Deputies, there were no religious representatives at the Senate.

## Gender of Anti-Choice Speakers that presented before the Senate



## Professions of Anti-Choice Speakers that presented before the Senate



There were a total of 53 speakers (Chamber of Deputies + Senate), 12 of which spoke both at the Chamber of Deputies and at the Senate, for a total of 66 speeches against the Bill throughout the whole process. Of those 12 speakers at both Chambers in 2020, 5 had already spoken, also at both Chambers, during the 2018 debate.

The tendency as regards gender was similar as the one seen in the survey performed for the 2018 debate.<sup>14</sup> In that debate, there were a majority of men speakers, mainly at the Senate, where male speakers were almost twice as many as female ones. In the 2020, there was a male predominance at the Chamber of Deputies, while the opposite was seen at the Senate.

As regards professions, a different strategy was used in the choice of speakers, as compared to the previous debate. While in the 2018 debate there was a predominance of health professionals (25% at the Chamber of Deputies and 39% at the Senate), in the 2020 debate there was a predominance of lawyers or of speakers from the field of law (39% at the Chamber of Deputies and 38% at the Senate) as compared to those from the field of medicine (22% at the Chamber of Deputies and 31% at the Senate). As regards representation percentages, there was an increase in the number of participants who identified themselves as members of some religion. In 2018, these numbers were 6% at the Chamber of Deputies and 1% at the Senate, while in 2020, those who spoke as members of a religion accounted for 17% of all the speeches at the Chamber of Deputies.

## “ESCRACHES” AND OTHER ACTIVITIES TO PUT PRESSURE ON LEGISLATORS

During the abortion legalization legislative debate that took place in Argentina in 2020, “escraches,” attacks and other activities carried out by anti-choice groups in order to intimidate pro-choice legislators or to put pressure on those who were “undecided,” so as to change and influence their votes, became recurrent and evident. Unlike what had happened during the 2018 debate, when “escraches” and attacks were less frequent, public and/or personalized, in 2020 these practices had a strong presence in the strategies used by anti-choice groups to impede the debate and passing of the Law. In this document we highlight the most emblematic cases, and which we believe more clearly depict the use of this strategy.

### “Escraches” at the Homes of Legislators

Even before the Bill began to be debated at the Chamber of Deputies committees’ plenary sessions on December 1st, there were several “escraches” at the homes of Deputies in favor of legalization. On November 11th, an “escrache” at the home of Deputy Suárez Lastra took place in the Autonomous City of Buenos Aires. The attack was announced in anti-choice social media and the organizers even broadcast a live video of the “escrache.” Deputy Suárez Lastra reported the attack in his social media: “For two hours, a small group carried out a demonstration in front of my house and attacked some of my neighbors. Up to now, the debate on the Voluntary Termination of Pregnancy Law that is taking place at Congress and in the streets had been peaceful and respectful. I condemn the ‘escrache’ and violence.”<sup>15</sup> In view of this situation, several political actors expressed their solidarity with the legislator and condemned the actions of anti-choice groups. As Vilma Ibarra, Legal and Technical Secretary of Argentina’s Presidency of the Nation, pointed out: “To intimidate a Deputy at his or her home because of his or her vote harms democratic coexistence. It is also a profoundly authoritarian and intolerant act.”<sup>16</sup>

Despite the condemnations, these situations persisted. On November 26th, another “escrache” took place at the house of Deputy Laura Russo in the province of Buenos Aires. Like in other “escraches,” this one was announced in anti-choice social media, and it included the name and address of the Deputy. Around 70 demonstrators participated in this “escrache,” sang against the Law accompanied by drums and handed out pamphlets with a picture of the Deputy and of the alleged “aborted fetus,” and they even hung a banner which read “Laura Russo, listen to the people now. Abortion is genocide.”<sup>17</sup>

On November 26th, a new “escrache” took place at the bakery of Deputy Carolina Gaillard’s parents. The Deputy condemned the attack in her social media: “The ‘escrache’ at my parent’s bakery in my home town because of my position as regards #AbortoLegal (legal abortion) is not only a violent but also a profoundly anti-democratic attitude of those who have a point of view different from mine. I will fight with more strength than ever for it to be legal (#Sea<sup>18</sup>Ley).” This

“escrache” was different from previous ones, as those who participated in the demonstrations, most of them youths, arrived at the place unannounced and with no previous public call. They stayed at the Deputy’s home town, a small town of around 3000 inhabitants and where her family still lives, for about four hours. They went around the neighborhoods handing out pamphlets with the name and a picture of the Deputy, and a text that read: “Did you know that Deputy Carolina Gaillard voted in favor of abortion?”<sup>19</sup> On the same day, there was an “escrache” at the home of a feminist referent in the province of Salta. During this attack, her house was vandalized with an anti-choice graffiti which depicted “Let’s save both lives.” This female referent filed a criminal complaint due to intimidation. A press release with over 80 signatures from all over the country was issued to condemn what had happened.<sup>20</sup>

The “escraches” at the homes of Deputies put the whole Chamber on guard and, on the day before the debate began, a decision was made to create a commission of lawyers so as to “ensure the defense of each legislator’s privacy and freedom to express his or her opinion” and to “analyze the criminal behaviors of groups with different ideas that might violate the freedom of movement or the privacy of the Deputies.”<sup>21</sup> Despite the creation of this commission and of the different efforts made, the “escraches” persisted.

The last cases of “escraches” at the homes of Deputies, which this monitoring identified, took place in early December, when the debate at the Chamber of Deputies committees’ plenary sessions began. On December 1st, an “escrache” took place at the home of Deputy Claudia Najul in the province of Mendoza. Once again, anti-choice organizations previously promoted the “escrache” in their social media. In this case, they called for a “day of prayer” and published the address of the Deputy’s home. In this attack, a small group of demonstrators came with posters and pamphlets.<sup>22</sup>

The last “escrache” that was identified in anti-choice social media was the one that took place at the home of Deputy Alejandro Garcia in the Autonomous City of Buenos Aires on December 5th. In this case, a live video was also broadcast from the home of the Deputy at the moment of the attack. During the “escrache,” they sang songs against abortion, accompanied by drums. They also hanged banners that read: “Genocide Alejandro García, listen to the people and defend life” and they handed out pamphlets with a picture of the legislator together with one of the alleged “aborted fetus.” This “escrache,” like the other ones, resulted in a strong condemnation by the other Deputies, who called it an act of violence in their social media.<sup>23</sup>

## A Change in Strategy towards Other Lobbying Activities

After the preliminary approval of the Bill and its moving to the Senate committees’ plenary sessions, anti-choice groups seemed to change their strategy and stopped using “escraches” to start using other lobbying activities. Though the reason behind this change is unknown, on December 1st, an anti-choice organization published a survey in its social media, asking only one question about the “escraches” at the homes of the Deputies: “Do you agree that demonstrations should be made at the home of Deputies who voted in favor of abortion?”<sup>24</sup>

After the preliminary approval of the Bill at the Chamber of Deputies, the “escraches” at the homes of Deputies gave place to virtual “escraches.” In their social media, anti-choice groups published messages of appreciation for those Deputies who had voted against the Bill<sup>25</sup> as well as messages of condemnation for those Deputies who had voted in favor of legalization. For instance, the names of those Deputies who had changed their position were published in social media with messages such as “These are the Deputies who sold their vote.”<sup>26</sup> When the debate moved to the Senate, the pressure these anti-choice groups exerted on Senators increased. The actions, which took place mainly in social media, included collecting signatures for a letter of rejection to be sent to the Senators, appreciation posts for the Senators who would vote against the Bill,<sup>27</sup> and the posting of the names of the “undecided” ones<sup>28</sup> together with their mail addresses and social media where they may be contacted.<sup>29</sup>

As the date of the debate at the Senate drew closer, anti-choice groups returned to the streets to put pressure on the Senators with more hostile and personalized actions. In the days previous to the debate, in many cities throughout the country, posters were pasted in the streets asking Senators to vote against legalization, as it happened in Salta<sup>30</sup> and Paraná.<sup>31</sup> These actions were also accompanied by messages of pressure on social media. In the case of a Senator from the province of Salta, they managed to turn the hashtag #SaltaEsProvida in the first trending hashtag in Twitter.<sup>32</sup>

As it may be seen, anti-choice groups have used different strategies to intimidate, attack and put pressure on legislators during the debate on abortion legalization in Argentina. The most condemned activities, and which also received the least amount of support from anti-choice organizations and conservative leaders, were the “escraches” at the homes of the Deputies. During our monitoring, we identified the “Más Vida” organization as the one which mainly promoted, mobilized and even broadcast these actions live. In the monitoring of other anti-choice organizations’ social media, we could not identify the use of this strategy. The most commonly used lobbying actions were the publication of the “undecided” legislators’ names and information, as well as the calling to send pressure messages (Más Vida, Frente Joven and Salvemos Las Dos Vidas), the posting of appreciation messages to legislators who had voted or would vote against the Bill (Frente Joven and Unidad Provida), and the posting of condemnation messages to legislators who had voted or would vote in favor of the Bill (Más Vida and Salvemos Las Dos Vidas). As it may be seen in this section, anti-choice groups have used a wide range of actions to exert pressure on legislators, actions which they modified and adjusted during the debate depending on the context and on how well they were received.

**How to Respond to this Strategy?** In order to make the legislators who vote in favor of the Bill feel supported and not only intimidated or attacked, it is important to make them feel that society supports them. However, it is also essential that the strategies used are not intimidating or harassing. Likewise, we should consider whether the actions used to exert pressure on the “undecided” legislators are effective for the women's and feminist movements, as they may be perceived as attacks or harassment, and this may lead to losing the support of a part of society and/or of political actors. In the case of the attacks and “escraches” at the homes of legislators, it is essential that these actions be collectively condemned and, at the same time, that we have the support of the political sector. As to this, two good practices were identified in Argentina: the creation of a commission of lawyers by the Chamber of Deputies so as to ensure the Deputies’ privacy and

to investigate the facts which, though they have had no consequences, were a symbolic act; and the public condemnation expressions of different political actors.

## THE USE OF SOCIAL MEDIA TO CAMPAIGN AGAINST ABORTION LEGALIZATION

It should be acknowledged that anti-choice groups always had good and productive communication strategies. The different organizations, groups and social media accounts worked together as a network, and this boosted their messages to make them massive.

During the 2018 legislative debate, we could see in the social media (mainly in Twitter) how these groups grew and promoted different kinds of slogans and hashtags to group their conversations together, with “Salvemos las dos vidas” (Let’s save both lives) as the main motto that encompasses the anti-choice movement. At the same time, during that period, these groups built up a strong image by using the light blue color to represent them (a strategy which copied the green handkerchief created by the National Campaign for the Right to Legal, Safe and Free Abortion.) Thus, though they have begun to come collectively together as result of the 2018 debate, these groups managed to establish a style, a tone, a motto and a message. This served them as the foundation to start a new parliamentary discussion.

The “Save Both Lives” motto is worth analyzing. One of the main arguments used in favor of abortion legalization is the one that refers to the numbers of maternal mortality due to abortion, and which are many times hidden by clandestinity. The pro-choice movement maintains that “abortion saves lives,” while the anti-choice one counteracts this message saying that abortion “kills the unborn child.” So, the “let’s save both lives” message attempts to claim that both the women (they don’t see pregnancy as something gender binary) and “the babies” can be saved without abortion, completely ignoring the deaths that result from clandestine abortions and denying the gestating subjects their reproductive autonomy.

Thanks to the COVID-19 pandemic, there were fewer live demonstrations in the streets, both of pro-choice groups as well as of anti-choice groups, and, as a result, the digital realm became the new battle field. Throughout the 2020 debate, the anti-choice communication strategy continued to be that of imposing their messages by linking the concept of abortion to death, sadness, depression and murder, and trying to associate the concepts of abortion and of voluntary termination of pregnancy to negative symbols.

In this new debate, we could see that, thanks to the work that they had done in the previous years, their main message was already established and this made it possible for them to move forward with other more situational catchphrases. The message “Let’s save both lives” is a cross-cutting one for the movement, and in this new debate, other



situations or concepts were added up to intensify and counteract the importance of the discussion. The anti-choice movement then aimed at imposing three new messages using both social media as well as interviews to representatives of the collective, and even the speeches of those who were invited to speak during the meetings at Congress.

## The Light Blue Majority

Despite the fact that the pro-choice movement lost the debate at the Senate, one of their arguments that lingered was the massive presence that this collective had in the streets, both in front of Congress during both votings, as well as in the rest of the country and even at a global level. During the first debate and in the months that followed it, an increase in the numbers of green handkerchiefs could be seen, as well as of the National Campaign for the Right to Legal, Safe and Free Abortion catchphrases in social media, political speeches and support from international artists. Moreover, the documentary movie *Que sea ley* (Let It Be Law) premiered in the Cannes Movie Festival in May, 2019.<sup>33</sup>

As a result, one of the main strategies of anti-choice groups was to prove that those against abortion legalization were a majority, as compared to those in favor of it. These groups called themselves "the light blue majority," in reference to the color chosen by this collective in 2018, and also as "the light blue wave" in direct contrast to the "green wave," as the pro-choice movement called itself. This message was used as a hashtag to exert pressure and increase the presence of these groups: their members represent (according to them) the majority of the population and it is that majority for whom the legislators shall vote.

Without providing any information as to where or how they obtained those numbers, these groups claimed that "80% of the provinces defended life." In their social media, they reproduced pieces of news published in communication media, with pollsters' reports as to popular opinion. These messages were labeled and aimed at specific legislators who appeared as undecided in the lists or who had not expressed their position, and they worked to personally address their messages to each one of them. The anti-choice message was specially used during the debate at the Chamber of Deputies, and it was then modified during the sessions in the Senate to specify the different provinces by using the hashtags such as #EntreRiosEsProVida or #SaltaEsCeleste. In this way, anti-choice groups presented themselves as the voice of the majority which, therefore, had to be heard. This strategy was mainly used in the social media accounts of organizations such as Frente Joven or Marcha por la Vida, who decorated their messages in Twitter with pictures of demonstrations carrying Argentine or light blue flags.

## "It is Ill-timed and Express"

The concept of "ill-timed debate" was presented in two very different ways. On the one hand, it was related to the pandemic: they tried to downplay the issue and make it less of a priority, claiming that there were other public health issues which were more important than abortion legalization. At the same time, there was a fear that massive demonstrations and rallies could turn into a new source of COVID-19 outbreak. This turned out to be contradictory since, in the days prior to the debate, as well as during it, the very same anti-choice group called for vigils in front of Congress.

On the other hand, this idea was also promoted as an “attack” to President Alberto Fernández, claiming that “The State should provide answers to what we really need. HEALTH, FOOD, EDUCATION, to name a few, but NOT ABORTION,”<sup>34</sup> as published in the Instagram account of Frente Joven. Unidad Provida also posted this message with the hashtag #AbortoTapaRealidad (Abortion hides reality), a message that made reference to the fact that deaths as a result of abortion represent only “0.01%” of maternal deaths. The so-called “tuitazos” (massive tweeting) were organized under this hashtag, in an attempt to make this issue a trending topic.

This concept of ill-timed debate was closely related to the idea that this was an “express debate.” On the one hand, these groups tried to impose the idea that a Bill such as this could not be debated in only one month, and that the ruling party was doing everything it could to force its treatment in extraordinary sessions. Therefore, the strategy was to ignore and discredit the debate that took place in 2018. It was argued that in this new opportunity, experts were not given enough time to listen to the arguments for or against abortion legalization, even though, as we have already mentioned in this document, many of the pro- and anti-choice speakers had already spoken in the 2018 debate. It was also argued that Congress had already voted against the Bill in 2018, thus ignoring the fact that the composition of both Chambers had changed as a result of the 2019 elections. As to this, the more religious groups inside the conservative movement argued that December, as it is the month when Christmas is celebrated, was not the proper month to discuss abortion.

## “A Dividing Law”

This was a less frequently used message, and which somehow contradicted the first one. They tried to impose the idea that the Law would create an even greater rift (hereinafter referred to as “grieta”) in Argentine society. During these last years, in the political arena, the “grieta” that divides, mainly, partisan-political affinities has been increasingly discussed. In 2018, though former President Mauricio Macri gave his party legislators the freedom to decide, he stated that he was against the Bill. In 2020, President Alberto Fernández not only said he was in favor of legalization but also made this issue an important part of his campaign platform, and it was the Executive branch of government that developed, presented and sponsored the Bill.

By the end of 2020, after many months of the pandemic, the union that was at first shown by the main representatives of the political parties began to fade away, and anti-choice groups linked these differences to abortion. Their message was that, if this issue was not discussed, then the social and political “grieta” would not keep on growing. Anyhow, when we analyzed the main networks of anti-choice collective groups, we found that their work also implied pointing out the so-called “green” legislators who would vote in favor of legalization.

## Identification of Pro- and Anti-choice Legislators

As it has already been mentioned, part of the work carried out by anti-choice groups in their social media included labeling the legislators who would vote against, in favor, or who were still undecided about the regulatory modification (the latter were the ones who were most often targeted with messages that tried to exert pressure and

influence their vote.)

On the one hand, when they addressed the legislators who had pronounced themselves against the Bill, they did so with messages of support and appreciation for “defending everybody’s life.” In their social media, they called them “brave” and “heroes” for taking a position. They used pictures, statements and videos of their participation in Congress, with a friendly and admiring tone.

On the other hand, those who voted in favor of the Bill, were judged after the voting. Amalia Granata, Deputy from the province of Santa Fe, posted a list with the names of those Deputies who were initially part of the “light blue lists” and then “sold their dignity,” which was shared over 4800 times. There were also many attacks or summonings to “escraches” at the homes of “green” legislators or of their relatives. These messages were more frequently sent via WhatsApp, but also shared in social media.

Finally, this strategy was also used with those who were undecided or did not state their position until the last minute. These people were coerced with data and requests to vote against legalization. This strategy was used mainly at the Senate, where, at the time of voting, the numbers were more balanced. “Senators @EdgardoKueider @Senadora\_Olalla we demand that you listen to the people from Entre Rios and choose to save everybody’s life”<sup>35</sup> was one of the many messages shared by Frente Joven, in which they specifically mentioned these two Senators.

**How to Respond to this Strategy?** The communication strategy of the anti-choice movement was very cohesive in the different social media. They used three main messages, which were different from those used in 2018 that had already become visible. These new messages were mainly situational and related to the debate during the context of pandemic in the country. At the same time, though by using empty arguments devoid of any real data, they tried to play down the debate and the Bill. Though anti-choice groups had an attack strategy, they did not very often have a defense strategy. While they used their social media to display a friendly attitude towards those against legalization, they also used them to promote “escraches” (both in-person as well as virtual ones) to the Deputies and Senators who would vote in favor of it. It is worth mentioning that, though pro-choice movements also used their media to support those who would vote in favor of the Bill, anti-choice groups used more invasive (as regards privacy) and violent measures against those whose opinion was different. This three key messages strategy is essential in any kind of debate. They have to be interrelated and must be meaningful for those that transmit them. Likewise, the efforts carried out since 2018 to identify the collective with the light blue color kept on growing and they were key for the construction of a unified image. This strategy was already used (maybe as a result of a structural need) by the pro-abortion movement in its green handkerchief.

## ANTI-CHOICE PUBLIC ACTIVITIES AND CAMPAIGNS

During the 2018 debate, anti-choice groups began to actively establish networks throughout the country, such as, for instance, the Unidad Provida and Más Vida networks.<sup>36</sup> These networks grew stronger after 2018 and had an active presence, one which should not be ignored, in the last abortion legalization debate. They are heterogeneous spaces that bring together actors and organizations from different sectors, places, and even religions. These networks often aim at being federal, and they reproduce their organization and activities in several provinces, beyond the autonomous City of Buenos Aires. With these activities, which usually take place at a public location, they took the debate of the VTP Bill from Congress to the rest of the country (as the “green” movement also did with the National Campaign for the Right to Legal, Safe and Free Abortion). Also, “[w]ith this federalization process, they managed to increase the mobilization capacity, the pulling of resources and the importance of these organizations at a national level.”<sup>37</sup> These anti-choice networks, apart from being federal, are also characterized by the large number of youths that participate in them, as it is the case, for instance, of the Frente Joven network. By promoting the participation of youths in these groups, and through their contact with networks of religious youths, anti-choice groups have managed to mobilize an increasing number of anti-choice young activists who are actively, and even aggressively, fostering a conservative agenda at the national, regional and international levels.<sup>38</sup>

These and other anti-choice networks and organizations, apart from having an active participation in social media, in the mass media and during the debate in the Argentine Parliament, also carried out an incidence strategy in the public arena by means of demonstrations and rallies and by hanging banners in the streets with messages against legalization, like the one we show in the section below.

### Diverse and Federal Rallies and Demonstrations

During the abortion legalization debate in Argentina, the federal mobilization of anti-choice groups had a strong presence, “(...) which breaks away from the traditional dynamic of protest, usually focused in large urban centers.”<sup>39</sup>

In 2018, anti-choice groups’ demonstrations took some time to mobilise, and it was only after the preliminary approval of the Bill at the Chamber of Deputies, that their mass demonstrations began. However, from the very beginning of the 2020 debate, anti-choice groups carried out an active and permanent mobilization and demonstration strategy. From the moment the Bill was sent to the Chamber of Deputies on November 18th, several demonstrations and rallies, like the already mentioned “escraches” at the homes of Deputies, were identified.<sup>40</sup> Also, on November 28th, the “National Life March” took place with many demonstrations throughout the country, for a total of 505 activities and demonstrations in the 24 jurisdictions.<sup>41,42</sup> Apart from the “March for Life,” demonstrations were held at town squares, and prayer days, cycling events and caravans of cars were organized both in the cities and from small towns to the larger urban centers in the provinces. These rallies were organized by anti-choice networks such as Más Vida, Unidad Provida and Frente Joven, among others.

Despite the different degrees of restrictions imposed in the country because of the pandemic, anti-choice demonstrations were held at different locations throughout the country during the Chamber of Deputies committees' plenary sessions. During these demonstrations, pictures, images and other objects that appealed to emotions, such as "babies" or "fetuses" dolls were used.<sup>43</sup> For instance, in the City of Salta, they held a demonstration in front of a Maternity and Child Hospital in that city, and they staged a wake or a cemetery with crosses on the floor and people dressed in white. In other demonstrations, they used posters with messages such as "it is not your body, it is in your body" or "abortion is also violence against women,"<sup>44</sup> which clearly showed how they tried to take ownership of some of the women's and feminist movements' arguments.<sup>45</sup>

As the date for the debate at the Chamber of Deputies drew closer, anti-choice organizations actively promoted calls to rally in front of the Congressional Plaza on the day of the debate. They disseminated information about the session, the timetables and activities,<sup>46</sup> carried out a fundraising for a sound system at the Congressional Plaza,<sup>47</sup> promoted demonstrations in different locations in the country,<sup>48</sup> and sold tickets for a trip to the autonomous City of Buenos Aires from different locations in the country.

After the preliminary approval of the Bill at the Chamber of Deputies, anti-choice groups continued with their strategy of rallying and demonstrating in different locations throughout Argentina, though to a lesser extent. They held different demonstrations with demands targeted at the legislators, to exert pressure on them. At the province of San Juan, for instance, a torch-bearing demonstration was held using the catchphrase "Let's turn on the light of life and hope." A manifesto containing the main reasons why they rejected the Bill was read, and the Senators from that province were exhorted to vote against it.<sup>49</sup> They also fostered an active mobilization strategy during the day of the debate at the Senate, mainly calling to rally in the Congressional Plaza.

## Posters with Messages of Fear and Hate

Apart from the demonstrations and rallies, another incidence strategy used by anti-choice groups in the public arena was that of pasting posters with clear, concise and resounding messages against abortion. These posters appealed to the emotions and created fear and confusion by the use of sensationalist messages which intentionally displayed biased and modified images of fetuses and babies to horrify society by showing "what an abortion implies."<sup>50</sup>

Even before the debate in Argentina, anti-choice groups began to paint phrases and to paste posters against abortion in the streets. On November 11th, for instance, a week before the Bill was sent to the Chamber of Deputies, anti-choice groups painted the message: "If there is abortion, there is war" in the streets of the autonomous City of Buenos Aires.<sup>51</sup> Also, on November 17th, and alliance of the anti-choice groups Jóvenes por la Vida, Derecho al Futuro and Buena Data, pasted posters in the streets of the province of Santa Fe with "informative" messages, providing data and their alleged sources. The used messages such as: "In countries where abortion is legal, over 90% of the women abort with no justification other than wanting to do it." Another poster, which made reference to maternal mortality, contained the following message: "¿Would abortion legalization reduce the numbers of maternal deaths? The largest research done on

this issue collected data during 50 years. The result was that it has no effect. The number of deaths is only reduced if health and education conditions are improved.” On November 26th, Unidad Provida pasted posters in the streets of Paraná, capital of the province of Entre Ríos, attacking the pro-choice movement and their arguments with messages such as “It is not progressive wanting to solve problems by eliminating human lives,” “Abortion kills a child and destroys a woman,” and “Abortion is not health because pregnancy is not a disease.”

As the debate progressed in the Chamber of Deputies, they also began to paste posters in the streets with messages targeted at legislators to exert pressure on them. For instance, Más Vida pasted posters in the autonomous City of Buenos Aires with the image of a fetus and a message that read: “Deputies and Senators, save my life.”<sup>52</sup> They used this strategy even more relentlessly when the Bill moved to the Senate and they pasted posters with messages addressed directly to the Senators at their home towns.<sup>53</sup>

During the days between the debate at the committees’ plenary sessions and the debate at the Senate, there was another campaign of anti-choice groups in which they pasted posters with false messages. The posters caused indignation in the pro-choice movement: “#Abortolegal (legal abortion) so that you may abort up until before birth if you are stressed, the Bill allows it,” “#Abortolegal so that you may abort up until before birth because childbirth makes you anxious, the Bill allows it,” “#Abortolegal in case the baby has Down’s syndrome, the Bill allows it,” and “#Abortolegal to reduce poverty by killing the poor, the Bill allows it.” It was not only the messages that were considered outrageous, but also their design, as it was graphically similar to those of the pro-choice group and it also had the green color typical of the National Campaign for the Right to Legal, Safe and Free Abortion. This was condemned not only by pro-choice activists but also by the Argentine National Institute against Discrimination, Xenophobia and Racism (INADI, for its acronym in Spanish) which, in a statement, expressed its concern about the posters and their messages, as they “(...) disseminate content based on prejudices and without any truth’s rigor, within the context of an increasing pressure towards the legislative debate, as the voting of abortion legalization on December 29th is drawing near (...).”<sup>54</sup> However, as the posters were signed by the non-existing “Campaña para la conquista de derechos”<sup>55</sup> (Conquest of Rights Campaign), and though there were suspicions that they had been pasted by Frente Joven, those responsible for the campaign could not be identified.

**How to Respond to this Strategy?** During the abortion legalization debate in Argentina, the pro-choice movement faced the challenge of how to hold mass demonstrations in the mist of the COVID-19 pandemic. Though there were many mobilizations and rallies, also in line with massive tweeting, they probably did not have the same force as in previous years. The anti-choice actors took advantage of this context to argue that abortion legalization did not have the support of the whole country, as it was something that “only the people from Buenos Aires City and the well-off demanded.”<sup>56</sup> In this case, it was essential to show that abortion legalization had the support of a large part of society, not only of the capital cities and urban centers. The ability to hold mass demonstrations and rallies is one of the main strengths of women’s and feminist movements, therefore, anytime these groups take part in a specific debate, it is crucial that these demonstrations are carried out in a diversity of locations and in a comprehensive manner. Also, to counteract the false and intimidating messages of anti-choice groups, the dissemination of concise and clear messages in favor of legalization is essential, and this may be achieved by the use of posters in the streets, as well as of mass media and social media.

# DISCOURSE STRATEGIES USED TO DELEGITIMIZE LEGALIZATION

During the legislative debate, anti-choice speakers used discourse strategies similar to those used in the 2018 debate.<sup>57</sup> On the one hand, as we show in this section, the traditional “light blue” arguments related to morality, to the value of life and to other misogynistic and paternalistic arguments were reproduced. However, they took ownership of feminist arguments and used human rights language, trying to weaken the arguments and discourses traditionally used by women's and feminist movements. Another discourse strategy used was the questioning of the numbers mentioned in pro-choice speeches, and the use and promotion of alternative “scientific” sources to argue against legalization. Finally, storytelling was another discourse strategy which was, once again, used in 2020 to produce negative feelings.

## Reproduction of Traditional Anti-choice Arguments

During the debate, many of the speeches against legalization presented traditional anti-choice arguments, based on religious dogmas and characterized by a moralistic point of view based on conservative ideas. Many of these arguments dealt with the importance and value of life. For instance, it was emphasized that life begins at the moment of conception, and that from that moment on, a “person” capable of acquiring rights and contracting obligations exists. Therefore, the embryo or fetus deserves to be protected by law and the State should look after its life. It was also stressed that, in the case of a collision of rights, the “best interest of the child,” and never the woman's desire, should prevail, arguing that freedom shall never be favored in detriment of life. In line with these arguments, anti-choice speakers pretended to take the “right” moral position and attempted to establish a difference between the “good and wise” anti-choice advocates and the “bad and ignorant” pro-choice advocates. It was argued that the decision to perform an abortion can be associated to negative aspects related to “modernity,” such as individualism, selfishness and moral degradation. Abortion legalization would then represent “a setback” for Argentine culture and society, and ethical values related to the protection of life, and which are part of the Christian scheme of values, should be promoted.

Another religious dogma which was promoted during the debate had to do with a misogynistic and degrading attitude towards women. For instance, it was argued that abortion legalization would exponentially increase the use of this practice and that abortion would be used as a contraceptive method. These arguments exposed a disdain for and underestimation of women, and denied them the possibility of making “responsible” decisions. It was also emphasized that the State should offer women real alternatives so that “they do not abort,” such as making adoption easier or providing them with financial assistance. They used a paternalistic rhetoric, which uses fear and moral to limit women's freedom to decide, emphasizing the “need” to protect them from the alleged negative consequences of abortion legalization: coercion, pressure, mistreatment, violence and abuse. In these arguments, abortion was described as a form of violence against women, taking ownership of the feminist movements' concept and using it as “(...) as a permeable conceptual space in which [it is possible] to incorporate arguments against reproductive rights.”<sup>58</sup>

## Appropriation of Pro-choice Arguments

In the 2018 debate, anti-choice speakers already began to use and to take ownership of arguments which were traditionally used by pro-choice advocates and feminist groups. In 2020, once again, they used and reinforced the discourse strategy of taking ownership of the “green” arguments: The main argument they questioned was that of the right to decide, though they took ownership of it to use it according to their beliefs and positions.

Anti-choice speeches frequently argued that there is no such a thing as a real freedom to decide on a voluntary termination of pregnancy in the absence of real alternatives and supporting policies for women. They claimed that the access to legal abortion would mean freedom for only a part of society which already has access to certain resources, and that it would not solve social problems such as poverty, lack of education, unwanted pregnancies, or rapes. Thus, it would hide marginalized women's reality and leave them under the same conditions, and it would also encourage imperative and coercive practices. By using these arguments, they tried to misinform and discredit the women's and feminist movements' agendas, “describing them as false solutions to major problems.”<sup>59</sup>

Likewise, anti-choice speakers used the self-determination concept to restrict women's freedom of choice, and mentioned the value of the alleged interests and the “freedom to decide” of male parents (“the great ignored one”) and of the embryo or fetus. That is to say, instead of actually protecting women's freedom, special emphasis was made on the limits of their right to decide.

Likewise, they took ownership of concepts related to women's freedom and empowerment, to associate them with more stereotyped and traditional roles and excluding other possible life plans. Instead of offering options for other life projects, they proposed to “guide” women's decisions, focusing on the importance of women's role as mothers and not on their freedom of choice as regards motherhood.

## Use of Human Rights Language

As it has already been pointed out, another discourse strategy of anti-choice speakers was the use of human rights language. As to this, they used the same content and mentioned the same human rights bodies on which the women's and feminist movements based their arguments, thus trying to undermine the strength of their use. They developed their own human rights frame of reference, and their discourse focused on issues such as the right to life, the protection of children, the rights of mothers and fathers, the “gender ideology,” national sovereignty, religious freedom, imperialism and traditional values.<sup>60</sup>

Anti-choice speakers promoted a biased and arbitrary interpretation of the legal rules in force, with a threatening attitude towards the members of Congress as regards the legality of what was being discussed. Based on the fact that there are legal rules that recognize the legal protection of life from the moment of conception, they maintained that



abortion legalization would violate practically all the regulatory framework. It was also argued that abortion legalization would violate the National Constitution and the international human rights treaties that Argentina has ratified over time. In its ruling on the matter of "F. A. L.",<sup>61</sup> the Argentine Supreme Court analyzed the legal rules that the speakers claimed were incompatible to pass the Bill, and maintained that they were in fact compatible with the abortion regulation which has been in force in Argentina since 1921. However, when anti-choice speakers mentioned this ruling, they tried to discredit it. For this purpose, the main argument they used, among others, was that the ruling of the Argentine Highest Court was unconstitutional and biased, and that the Supreme Court had granted itself powers that correspond to other powers of the State.

As regards the interpretations made by international human rights bodies, anti-choice speakers focused their efforts in discrediting their recommendations, their jurisprudence and even their very existence. They emphasized that these bodies are biased by "ideological issues," and that, given that their recommendations may serve as guidance but are not to be considered binding, therefore, they would not have the authority to demand or suggest that any State decriminalizes abortion.

## Questioning the Numbers and Use of Alternative "Scientific" Sources

As it had happened in the 2018 debate, one of the discourse strategies most commonly used by anti-choice speakers was questioning the numbers without providing any reliable data with scientific endorsement and using, instead, alternative "scientific" sources. Questioning the numbers is an efficient anti-choice discourse strategy, often used in different debates by those who oppose social demands. For instance, in debates on climate change, those that deny the existence of this phenomenon misinform in order to question the findings and the sound conclusions of those who try to make the problem visible.<sup>62</sup> This strategy, called denialism, is used to divert the political discussion, to distort the public opinion and understanding about the issue, and to generate confusion and uncertainty.<sup>63</sup> During the debate in Argentina, the numbers more frequently questioned were the number of induced abortions in Argentina, the number of maternal deaths as a result of unsafe abortions and the relevance of the number of abortions as cause of maternal death.

This strategy used to discredit the numbers is closely related to the use of alternative "scientific" sources. This strategy often uses fake news, a tool widely used by anti-choice groups and which implies the use of pseudo-scientific discourse and of "alternative" information to disguise their religious origins, to create confusion and to undermine the credibility of the arguments against them.<sup>64</sup> During the debate in Argentina, anti-choice speakers used studies that were supposedly endorsed by the academic and scientific community, but in which questionable, unsound, and unreliable methods were used. Thus, anti-choice groups created their own compilation of "academic" sources which supported their interpretations, goals, and interests, and which were broadly used and disseminated by conservative alternative media and the conservative civil society at a national, regional and international level.<sup>65</sup>

Anti-choice speakers also used alternative "scientific" sources to question the impact that abortion has on

maternal mortality, to demonstrate the existence of the “post-abortion syndrome”<sup>66,67</sup> and to emphasize the “dangers” and “risks” of abortion, among other arguments. Among these sources, they mentioned cases and provided examples from other countries, which supposedly showed the “failure” of abortion legalization, or took other countries as reference to show that there was no need to legalize abortion.<sup>68,69</sup>

These alternative “scientific” sources, which are often related to academic centers with a religious affiliation, are used to actively invalidate the data provided by national, regional and international institutes of renowned academic and scientific record. As it is shown in the next section, they tried to divert the attention, to distort public opinion and to create confusion by saying that “abortionist” institutions have other interests.

## Storytelling to Appeal to the Emotions and Generate Fear

Storytelling is a strategy frequently used in abortion debates at a global level, both by those for and against abortion. In this strategy, personal or third-party stories are told to generate specific emotions or feelings in those who read them or listen to them. In anti-choice speeches during the debate in Argentina, the stories focused on the “horrors” of this practice. During the debate, anti-choice speakers told stories, in first or third person, about women who had aborted. These stories used the accounts of women who “regretted” having had access to an abortion and how they had experienced physical and/or emotional trauma, to foster the idea that “post-abortion” syndrome really does exist. At the same time, the stories focused on identifying people who “had survived an abortion,” which, had it been legal, would not exist, and constantly made reference to the counterfactual argument which indicates that “if you had been aborted, you would not have...”

These stories aimed at generating fear and other negative emotions, by trying to create a strong connection between abortion access and death or suffering. They are an efficient tool against logical and abstract arguments, and one often used also by pro-choice movements, as their emotional effect is much stronger than that of arguments and they remain much longer than data in the memory of people. Though, as compared to the 2018 debate, in 2020 pro-choice speakers used storytelling<sup>70,71</sup> more frequently, anti-choice groups knew how to maximize the use of this strategy to their benefit.

**How to Respond to this Strategy?** Traditional anti-choice arguments are full of religious, conservative and misogynistic dogmas. For some years now, human rights language and the appropriation of pro-choice arguments have allowed them to present these dogmas as neutral, or even secular, ones. It is extremely important that we remove that veil and expose what hides behind this type of arguments and interpretations. The identification of argumentative fallacies and of their denialistic discourse manipulation makes it possible to reveal the interests and ideas behind their assertions. If we reveal this in a detailed and rigorous - but at the same time clear and effective - manner, we can expose the hypocrisy behind these arguments. It is important to produce concise, clear and efficient messages to refute these arguments, and to conclusively present academic and scientific findings. If all the necessary steps are taken as to confidentiality, these stories may be used to give more abstract concepts and data a personal character. It may be also effective to expose stories that

may help de-stigmatize this practice and which show experiences different from those focused only on suffering.

## NEGATIVE "WINNING" ARGUMENTS

During three days, 36 anti-choice experts provided their arguments about the Voluntary Termination of Pregnancy Bill at the Chamber of Deputies committees' plenary sessions.<sup>72</sup> Also, 29 experts spoke against legalization at the Senate's committees' plenary sessions. Which were the negative arguments least often refuted and rebated in pro-choice speeches? Which negative arguments, of those that resulted from these committees' sessions, were most often repeated by legislators and other key actors from society? This section presents a summary of the negative "winning" arguments that were presented during the VTP Law debate, those that turned out to be successful, either because they were often repeated by anti-choice legislators, because they found echo in society or because they were the hardest to refute by those in favor of legalization. This section also shows the main questions that anti-choice legislators asked, and which reflect their main criticisms of the Bill.

### Criticisms Made to the Bill

Anti-choice speakers and legislators highlighted the alleged "weak points" of the Bill, such as the interpretations of the legal grounds after the 14th week of pregnancy and the conscientious objection regulation. It was claimed that the passing of the Bill would mean changing to an "unrestricted" abortion regulation: people would have the right to get an abortion on demand up to the 14th week of pregnancy, and for legal indications that would not have a time limit. Despite the fact that the legal indications model exists since 1921, and that the progressiveness principle implies that it is impossible to apply a retrogressive measure on the recognition of rights, they tried to generate doubts and to misinform about how these legal indications are applied. As regards the limit, they also emphasized its "arbitrariness": the Bill being debated established a 14 week limit, while other countries apply a 12, 18 or 24 weeks one. It was also maintained that the Bill did not propose a paradigm shift as regards criminalization, and that it was necessary to review abortion criminal law.

Despite the fact that the Bill followed the guidelines established by the Argentine Supreme Court of Justice and the legal abortion health protocols in force, they also focused on the regulation of the conscientious objection, and mainly criticized that the Bill did not expressly contemplate the institutional conscientious objection. They also maintained that the conscientious objection regulation in the Bill is partial and conditioned, as it demands that the person who objects nevertheless participates by referring the person who requests the abortion and by adopting the necessary measures to guarantee access to the abortion and, in certain cases, by even performing the abortion.

## **“Maternal Deaths due to Unsafe Abortion do not Amount to a Significant Number”**

Anti-choice speeches stressed that the number of maternal deaths due to unsafe abortion do not amount to a significant number and that there are other “more” urgent causes of death which should be given priority. They added that the rate of maternal mortality due to abortion in Argentina has reduced in the last years. In these arguments, it was not taken into account that maternal deaths due to abortion are avoidable, and that they represent a health issue which, like any other health issue, should be addressed. Besides, they did not take into consideration the arguments of various former health public officials who mentioned that this number could actually be even larger as a result of a cause of death certification and registration deficit<sup>73,74</sup>, nor did they acknowledge the large number of complications as result of unsafe abortions. They also mentioned cases from other countries, sometimes based on doubtful alternative “scientific” sources, to show that maternal mortality may be reduced without abortion legalization.

## **“Abortion Does Not Solve Social Problems”**

As we have already highlighted, another argument maintained that the Bill would not solve poverty, marginalization, lack of education, unwanted pregnancies, maternal deaths or rapes. It was maintained that the legalization of the practice would not act as a magical solution, and that the already existing public policies should be improved and better proposals should be found.

As to this, the Pregnancy and Early Childhood Health Care Bill (the so-called “1,000 Day Plan”), which was introduced together with the Voluntary Termination of Pregnancy Bill, was not often acknowledged by the conservative experts nor by legislators in their speeches, though the Bill itself and the impact it would have on the lives of pregnant women who want to continue with their pregnancies, provide answers to many of the demands made by those who were against the VTP Bill. The joint introduction of these two Bills was a strategic move made by the Executive branch of government, as the VTP Bill aimed at overcoming all the barriers that exist in the access to sexual and reproductive health, while the 1,000 Day Plan aimed at breaking down the barriers that exist in the exercise of desired motherhood.

## **“The Government is Trying to Impose an Express Debate on a Subject which Divides the Country and Is Not a Priority”**

As it has already been pointed out, anti-choice speakers in their speeches maintained that the government had tried to speed up the discussion of the bill and to impose an express debate on an issue which divided society and did not have the necessary consensus. Paradoxically enough, they also emphasized that the change in abortion regulation had already been debated and rejected in 2018 and that, therefore, it made no sense to debate it again two years later. During the debate at the Chamber of Deputies, for instance, there were Deputies who insisted “(...) on the lack of innovation in

the arguments, on the repetition, with no changes, of things that had already been said, stated, explained and justified two years earlier in relation to both positions as to the Bill being discussed (...).<sup>75</sup>

With these arguments, the anti-choice experts attempted to delegitimize the debate and the Bill being discussed, and denied the fact that this was a process which had taken many decades and which in 2018 had resulted in a long debate that might well be the starting point of the 2020 debate.

## **“It is Unwise to Discuss Abortion Legalization in the Midst of a Pandemic.”**

One public health argument which was frequently reproduced in anti-choice speeches was that Argentina's health system would not be able to cope with the consequences of abortion legalization. They stressed that the COVID-19 pandemic had overloaded the health system, and that abortion legalization would overload it even more. It was also claimed that abortion, as a priority health issue, would have the same effect as COVID-19: It would take away the attention from other “more urgent” diseases, as abortion legalization would result in a competition for the use of public resources. Despite abundant research that a large amount of resources would be saved if abortion were legalized, and that the complications of unsafe abortions were the ones that demanded more medical care and resulted in higher health costs,<sup>76,77</sup> it was emphasized that the situation of the Argentine health system could not sustain abortion legalization, and that it lacked the human and economic resources necessary for its implementation. They also emphasized that there were more urgent issues, such as insecurity, poverty, pandemic, inflation and economic crisis.

## **“The Country is Not in Favor of abortion, it is Something that Only the People from Buenos Aires City and the Well-off Demand.”**

Many anti-choice legislators and speakers maintained that the demand for abortion legalization was not something that the whole country supported, as it was a something that only a movement of the “people from Buenos Aires and the well off” demanded, and which did not acknowledge other realities. By taking advantage of the fact that there were fewer pro-choice demonstrations and rallies due to the protocols in place because of the pandemic (something which the anti-choice groups abide to a lesser extent), they maintained that there was a “light-blue” federal majority against the Bill, with a federal movement that was exponentially growing, while the “green” minority kept on decreasing and was only present in the Metropolitan Area of Buenos Aires (AMBA, for its acronym in Spanish). As it has been mentioned in previous sections, anti-choice organizations published in their social media the results of different surveys that rejected the regulatory modification in different provinces of the country, to promote the idea that the Bill lacked social support and that society was not in favor of abortion legalization. These results, often obtained from doubtful sources, were also used to exert pressure on legislators from different locations.<sup>78</sup>

They also emphasized that abortion legalization was not something that the most vulnerable communities demanded: it was something that “well-off” women (the ones who abort and who want to legalize abortion), and not poor women, demanded. To support these arguments, anti-choice groups published in their social media messages of women from marginalized neighborhoods against abortion legalization.<sup>79</sup>

With these demands, they tried to delegitimize the demands of women's and feminist movements that had been the mobilizing force in this debate; movements which have a long history of fighting for and conquering rights that have resulted in the passing of regulations that acknowledge essential human rights and have helped build a more egalitarian society.

## Questions Asked by Anti-choice Legislators

After the speeches of the experts, legislators were given the opportunity to send questions via the virtual system in both chambers, which were read by the pertinent commissions, and then the speakers were given a restricted amount of time to answer them. During the monitoring of the debate, we noticed that the questions of anti-choice legislators focused mainly on certain issues which often reflected their main criticisms of the Bill and the issue being discussed. Anti-choice senators questioned the constitutionality of the Bill. For instance, they emphasized that it would be a public order Law, and the provinces would be obliged to implement it, thus calling into question whether this would not be at odds with Argentine federalism and provincial autonomies. They also asked questions about the alleged “constitutional duty to protect life.”

At the same time, many questions focused on the comments and recommendations provided by international human rights protection bodies. The existence of a treaty that mentioned the word “abortion” or the right to abortion was questioned, and emphasis was made on references to the right to life that are included in different human rights treaties, such as the American Convention on Human Rights and the Convention on the Rights of the Child. Likewise, another argument repeated by anti-choice legislators was that of the beginning of “human life” both from a legal as well as from a biological perspective. They asked, for instance, about the legal status of the “unborn person,” and stressed that there is a collision of rights between the unborn person's and woman's rights, and they asked about the embryo-fetal development.

Other aspects that were questioned were related to the previously mentioned criticisms to the Bill: time limits, decriminalization and conscientious objection regulation (personal but also institutional). At the same time, anti-choice legislators focused their questions on the risks, both physical and psychological, of abortion, as well as on the alleged risks of the medication used for abortion.

Finally, anti-choice legislators questioned the numbers provided by experts in favor of the regulatory change. Therefore, they questioned, for instance, the per year number of abortions and maternal deaths in different countries, not only to discredit the pro-choice arguments and sources of the speeches, but also to promote the numbers of alternative

“scientific” sources of the anti-choice groups.

**How to Respond to this Strategy?** To be able to refute, confront and rebate anti-choice arguments, it is essential that we first know which their main arguments are. The systematization of the arguments used during the debates in different countries is useful to have a clear idea of the predominant ones. However, for future debates, it is essential that we know which anti-choice arguments find more echo in decision makers so that, from there, we may devise an efficient strategy to confront them. In our analysis of the legislative debate on the VTP Bill in Argentina, it became obvious that pro-choice experts used arguments which were more solid, analytical and empathic than those provided by anti-choice ones.<sup>80</sup> We may make use of this and of other debates to create a solid, strategic and diverse ground of arguments in favor to counteract the arguments against legalization.

## DISCREDITING OF “GREEN” ORGANIZATIONS AND PUBLIC OFFICIALS

In their fight against the extension of rights, anti-choice groups use conspiracy theories and disseminate them in their social media as fake news, and use them to denounce an alleged global partnership to “exterminate or dominate” a certain group.<sup>81</sup> These speeches are used to discredit the movements, organizations and even governments that seek to advance an agenda for the recognition of rights, by linking them to these conspiracy theories. In order to delegitimize not only the debate but also pro-choice organizations, anti-choice groups used different conspiracy theories during the abortion legalization debate in Argentina. On the one hand, they accused the international bodies of wanting to control the birth rate and to impose a form of modern imperialism and, on the other, they stressed the alleged “business behind abortion.” By using both conspiracy theories, they aimed at delegitimizing and discrediting international bodies and pro-choice organizations that receive international funding.

Another strategy used by anti-choice actors to delegitimize the debate was using the pandemic to discredit the government and the public officials that promoted the regulatory change.

### Accusations about a Form of Modern Imperialism and other Conspiracy Theories

Conspiracy theories claiming that “(...) abortion legalization initiatives were an international interventionist strategy over national sovereignty, a way to subjugate different peoples and even a form of colonialism,”<sup>82</sup> could be identified during the abortion legalization debate in Argentina. In line with what had happened in 2018, anti-choice speakers maintained that the proposed regulatory change was linked to anti-democratic, immoral and demographic control actions. During the debate at the Chamber of Deputies committees’ plenary sessions the argument that the

proposed change to the legislation was the result of international pressures aimed at controlling world population growth was constantly repeated. They emphasized that there are some international agencies like the World Health Organization (WHO), the United Nations Children's Fund (UNICEF), the United Nations Population Fund (UNFPA), the International Monetary Fund (IMF) and the World Bank, which "want to promote an anti-family doctrine" and "to control the number of births in underdeveloped countries." According to their point of view, it is for these reasons that international entities, together with other national and international powers, may have been financing and putting pressure on abortion legalization in these countries. They emphasized that this is a form of "modern imperialism," with its resulting attempt at cultural colonization, and that these international actors were interested in decreasing the population numbers so as to maintain the axis of international political power, to take advantage of natural resources, and to control markets and finances.

This strategy of discrediting international and regional bodies is one of the main tactics used by anti-choice groups, at a national, regional, and international level.<sup>83</sup> Apart from trying to relate regional and international agencies with "anti-family" and population control doctrines, anti-choice groups tried to promote the idea that these agencies are overstepping their mandates and are, therefore, a major threat to national sovereignty. Referring to culture and tradition to undermine the universality of human rights is a strategy widely used by anti-choice groups to impose their own idea of "culture," and to oppose to the advance in the acknowledgment of women's and LGBTIQ+ people's rights.<sup>84</sup>

During the debate on abortion legalization in Argentina, criticism to the WHO was always present. Apart from trying to discredit the WHO with accusations of imperialism and birth control theories, arguments related to how the WHO managed the COVID-19 health crisis were used to discredit the body itself and its recommendations. That is to say, they used these arguments to maintain that, based on how the WHO had managed the pandemic, the organization would not work appropriately. It was also pointed out that the WHO was trying to overstep its mandate and, therefore, it represented a threat to national sovereignty.

The pandemic was also used by anti-choice actors to discredit the Argentine government and the public officials who promoted the Bill, as we show in the next section.

## Attacks at the Government and Use of the Pandemic

Anti-choice groups tried to discredit government agencies and public officials who promoted or supported the regulatory change. On the one hand, they tried to question the credibility of the Executive branch of government and of the Ministry of Health, which had promoted the Bill. They also actively discredited the National Ministry of Health and the different data it provided during the debate. As the abortion legalization debate took place in the midst of the COVID-19 pandemic, and conservative groups had already actively introduced anti-science, anti-vaccine and anti-quarantine conspiracy theories, they used this same strategy during the debate to argue against legalization and against the political actors that promoted it. For instance, anti-choice groups such as Unidad Provida and Más Vida, demanded the resignation of Ginés González García, the Ministry of Health that time, using the hashtag #RenunciaGines.<sup>85</sup> By accusing him of a poor



performance and of alleged inconsistencies in his expressions, they tried to discredit not only him but also his assertions about abortion legalization.

Also, anti-choice experts and legislators in their speeches often criticized the President and the Ministry of Health of Argentina for introducing the Bill during the pandemic. They accused public officials of not knowing what the Argentine society needs or which the health system priorities are, and also of having other interests, for instance, of using the Bill to divert the attention from other proposed regulatory changes. However, these very same anti-choice actors used these arguments in an attempt to divert the attention from the urgency of abortion legalization, and used the pandemic as an excuse and a justification to maintain that this was not the “right” time to debate it.

## Casting Doubts as to the Funding of Pro-choice Organizations

Apart from wanting to discredit international bodies and the Argentine government, anti-choice actors also tried to cast doubts on the Argentine pro-choice civil society and their link to international bodies.

Though not as often as in the 2018 debate, one of the strategies used by anti-choice speakers and Deputies in the informative meetings before the Chamber of Deputies committees’ plenary sessions was that of questioning the international funding that pro-choice organizations receive, thus casting a doubt as to their real interests. It was stressed that pro-choice organizations received financial support from international organizations that want to control the Argentinean population and impose their interests. Likewise, they used these conspiracy theories to disseminate false information about the alleged “multinational business of abortion” that certain international organizations carry out and their link to pro-choice Argentine organizations. The anti-choice organization Unidad Provida even held a live training session on the “business of abortion” and on the International Planned Parenthood Federation (IPPF).<sup>86</sup> With these arguments, they tried to discredit speakers, organizations, and also their long-standing record in the fields of sexual health and reproductive rights. Though this had been a strategy widely used at the Senate in 2018, in this case it was used by anti-choice Deputies but not by anti-choice Senators.<sup>87</sup>

Though anti-choice groups are interested in and benefit from being identified as the “guardians of national interests” and speak against globalization,<sup>88</sup> they have close links with regional and international organizations and bodies and probably receive international funding. However, anti-choice legislators do not seem to be very interested in the source of funding of the “light blue” movement activists and organizations. A huge challenge as regards this is the lack of transparency of anti-choice groups. Pro-choice organizations abide by the applicable transparency and accountability policies, while anti-choice ones hide a huge amount of information and have very few published data as to their financing or operations. Hiding this information allows anti-choice organizations to present themselves as false “defenders of national sovereignty.”

**How to Respond to this Strategy?** It is essential to show the fallacies, weaknesses and hypocrisy in the arguments used by anti-choice groups to discredit the pro-choice organizations, public officials and agencies. Though there is a lack of

information as to the funding of anti-choice groups in Argentina, we know that they receive international support for their anti-abortion activities. While their arguments present globalization as a threat to “national sovereignty” and to the “traditional family,” they use this phenomenon to their benefit in their fight against legalization. Thus, they use human rights language, build regional and international networks and carry out advocacy actions before regional and international rights protection bodies. There is no doubt that international anti-choice groups actively carry out a strategy to restrict the access to abortion throughout the region. It is therefore important to expose the influence that these groups have on the national political arena of different countries. With this knowledge, we can reveal the hypocrisy behind these arguments, and work in an organized and coordinated manner to confront the ultra-conservative forces and conspiracy theories that are used to deny rights.

## LEGAL ACTIONS TO PREVENT THE PASSING AND IMPLEMENTATION OF THE LAW

The filing of legal actions to prevent the passing of the Law and its implementation was one of the main strategies used by anti-choice groups after the Law was passed at the National Congress. The Voluntary Termination of Pregnancy Law 27610 was passed on December 30th, 2020, and enacted by the Executive branch of government on January 14th, 2021. However, the first legal action was initiated on December 20th, 2020, when the regulatory change was being debated in Congress. The demand was initiated by a group of people which included a former (female) Senator from the province of Salta and was represented by lawyers who spoke against the regulatory change during that debate. The legal strategy was to attack the Comprehensive Care Protocol for Individuals with the Right to a Legal Termination of Pregnancy of 2019 and, once Law 27610 was passed, to extend the demand to include its unconstitutionality.<sup>89</sup> After the Law was passed and before it was enacted, another legal action was initiated in Salta in an attempt to declare the Law unconstitutional before its enactment.<sup>90</sup> These two cases tried to prevent the entry into effect of a legal rule passed by Congress by seeking the intervention of the Judiciary.

After the entry into effect of Law 27610, at least 30 legal actions were initiated in an attempt to prevent its implementation.<sup>91</sup> These cases were initiated by different actors, which included civil society organizations, political parties, and anti-choice referents, and filed in different jurisdictions of Argentina. Some of these cases overlapped and were prosecuted at the same time, so having access to the files and following up on the cases became a challenge.

The NOS political party initiated 4 unconstitutionality legal actions in the federal justice in the provinces of Buenos Aires,<sup>92</sup> Chaco,<sup>93</sup> Entre Ríos<sup>94</sup> and La Pampa.<sup>95</sup> The Ciudadanos a Gobernar party filed a writ of amparo on the grounds of unconstitutionality in Corrientes.<sup>96</sup> Also, the Demócrata Cristiano party accompanied the Más Vida organization in an unconstitutionality action initiated in the federal justice system in the Autonomous City of Buenos Aires.<sup>97</sup> Likewise, organizations such as Asociación Civil Portal de Belén,<sup>98</sup> Centro de Desarrollo y Atención Social Amor en Acción,<sup>99</sup> Asociación Civil Derechos Humanos y Violencia de Género<sup>100</sup> and Asociación de Integración y Derechos Humanos<sup>101</sup>

initiated legal actions against the Law. Finally, two public institutions initiated legal actions against Law 27610: an Advisory for the Disabled from the province of Buenos Aires and the Municipality of Roldán, province of Santa Fe.<sup>102</sup>

Of the legal actions initiated, at least 19 were against the National State, including, in some occasions, the Executive branch of government, the Ministry of Health, the Argentine Chamber of Deputies or the Argentine Senate. The rest of the legal actions were initiated in provincial jurisdictions and were against different provinces in the country. As regards the type of legal actions initiated against Law 27610, at least: 19 were writs of amparo; 4 were only requests of precautionary measures; 5 were declaratory judgments; 3 were criminal complaints against the Executive branch of government, the National Chamber of Deputies and the National Senate, and 3 were actions of unconstitutionality. All of them demanded that Law 27610 be declared unconstitutional, and at least 19 of them requested precautionary measures to suspend the enforcement of the Law.

As regards the arguments used by the claimants as bases of their demands, they were related to the same legal arguments used during the legislative debate that lead to the passing of Law 27610. Thus, they pointed out the incompatibility of the Law with the Convention on the Rights of the Child, the International Covenant on Civil and Political Rights, the International Covenant on Economic, Social and Cultural Rights, the American Declaration on Rights and Duties of Man, the Universal Declaration of Human Rights, the American Convention on Human Rights, the Convention on the Elimination of All Forms of Discrimination Against Women, and the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment. As they maintained in their speeches, these treaties protect life from the moment of conception, and Law 27610 violates the right to life.

They also maintained the incompatibility of the Law with other national legal rules that would protect life from the moment of conception. For this purpose, they mentioned Law 26061 on the Comprehensive Protection of the Rights of Children and Adolescents and the Argentine Civil and Commercial Code, more specifically its Article 19, and maintained that our legal rules do not grant gradualness in legal capacity and, therefore, human beings have full legal capacity from the moment of conception. Just as they had done during the legislative debate, in court they maintained that Law 27610 implies legalizing both “a systematic program of forced disappearance and elimination of people”<sup>103</sup> as well as “abominable acts that constitute torture.”<sup>104</sup> It was also pointed out that the “gestating subject may destroy a family and create inequality between men and women,” and the regulation of conscientious objection was questioned by attacking its scope.<sup>105</sup>

One of the arguments used in the presentations mentioned Argentine federalism. It was maintained that Law 27610 was in violation of the distribution of concurrent powers between the national State and the provinces. As to this, they mentioned several provisions in the provincial constitutions to prove the incompatibility of the legal rule at a local level, as some provisions stipulate, for instance, “the intangibility of life from the moment of conception, the dignity and physical integrity of the human being.”<sup>106</sup> Likewise, they maintained that the matter that regulates the legal rule is a non-delegated power of the national State and, therefore, the national State would not have the power to pass a legal rule with these characteristics.

Some of their arguments also attacked the powers of the Argentine Congress. Thus, they pointed out that in order to pass a legal rule like Law 27610, the Argentine State should denounce certain international human rights treaties, as the legal rule was incompatible with them. In line with this, they maintained that the passed Law was unconstitutional and that, therefore, for it to be passed, the Argentine Constitution would have to be first modified. Finally, they also questioned the procedure followed during the passing of the Law. They maintained that the Law breached the Standing Rules of the Argentine Senate, and that it was unconstitutional because it had been passed in an extraordinary session in the midst of a health and economic crisis that did not justify the urgency of the passing.

It is worth pointing out that the claimant civil society organizations and political parties, as well as private individuals, maintained their legitimacy to represent the “unborn persons” before justice, in an attempt to impede the access to the rights acknowledged by Law 27610 to women and gestating subjects. However, most of the rejections these legal cases had are related to the legitimacy of anti-choice groups. Argentine civil society has followed up the legal cases initiated against the Voluntary Termination of Pregnancy Law 27610 and has designed strategies to accompany them. Thus, human rights organizations have presented themselves as parties in some legal cases to accompany the defense of the Law<sup>107</sup> and, in others, as “friends of the court” to provide arguments to the Judiciary<sup>108</sup> to answer to anti-choice demands.

**How to Respond to this Strategy?** First of all, it is important to know the legal actions that are initiated and their procedural status. Therefore, we should monitor the legal actions that are initiated and follow them up. As to this, we should make a map of the actors that initiate the cases, the jurisdictions they choose, the arguments they present and what they pretend to achieve with these cases. It is also important to identify the efforts that are necessary -and who should make them- to be able to assign and assume roles that help stop the advance of each court case in terms of obstructing them. It is useful to collaboratively create and have a repository of arguments to answer to anti-choice arguments, and which may be used in case of specific filings. It is also imperative to work with state, civil society and Judiciary actors that are located where each legal case is being prosecuted, and have the support of other actors to work together in a coordinated and strategic way.

## CONCLUSION

Pregnancy voluntary termination legalization was one of the most discussed and debated issues in the history of the Argentine Congress, during intense and thorough debates, both in the floor and outside it - in the streets, in the media, within families. The participation of guest experts in the informative meetings, the debates at both Chambers and its live broadcasting were an example of a respectful and democratic debate.

Argentina underwent a historical process which triggered a green wave throughout the whole region. However,

it also helped bring together anti-choice groups, which took many actions to prevent the passing and enforcement of regulations that advance in the acknowledgment of sexual and reproductive rights, both in Argentina and in other Latin American countries. Anti-choice, conservative and fundamentalist groups are now more present than ever throughout the region, and represent a risk in the conquest of women's rights in all their diversity. Now it is even more important than ever that feminist and women's movements strategically fight to dismantle the consequences of the hate and intolerance messages and actions of these groups. The debates on abortion legalization in Argentina help identify the strategies and arguments used by groups against abortion and sexual and reproductive rights.

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

**Strategy 1.** Activities carried out to intimidate or attack the legislators which would vote in favor of legalization or to exert pressure and influence the vote of “undecided” legislators, such as “escraches” at their homes, sending of letters or pasting of posters with personalized messages in the streets.

#### What should we do?

- ▶ Show that a large part of society supports pro-choice and “undecided” legislators to vote in favor.
- ▶ Avoid any action that may seem intimidating or harassing towards “undecided” legislators, which may, therefore, have counterproductive effects.
- ▶ Repudiate publicly and collectively the attacks and “escraches” to legislators, also from the political sector.

**Strategy 2.** Social media has become a new battlefield for the debate of ideas, but also a place where fake news is disseminated and viralized. This place also became a source of information for journalists and decision makers.

#### What should we do?

- ▶ It is important that the pro-choice collective shows that it is united and predominates in social media. This unity may be symbolic and in the form of messages, ideas, colors, mottoes or images. Tagged messages with the same hashtags help unify and also foster our catchphrases.
- ▶ It is important to use pre-agreed messages not only to show unity in the movements but also to promote their relevance. These messages should be concise, easy to remember and should not require much contextual information. They should be used in social media as well as in interviews and in public and private debates.

- ▶ Always with the truth. The pro-choice movement has information from reliable sources and with great argumentative value, both at a national and international level. That information is essential to counteract the biased and false messages of anti-choice groups that aim at misinforming.

**Strategy 3.** Incidence in public spaces by massive and federal demonstrations and rallies, and the generalized use of posters with false but resounding messages against abortion in the streets, thanks to the networks of and collaboration between anti-choice organizations.

#### What should we do?

- ▶ Promote and carry demonstrations in a generalized manner and in diverse locations, to show support to the pro-choice movement.
- ▶ Find alternatives and other creative ways of rallying, which may be done in the streets as well as in social media, so as to overcome the challenges of mobilization.
- ▶ Counteract the false and fearful messages of anti-choice groups with concise and clear messages in posters in the streets, and also disseminated in mass media and social media.

**Strategy 4.** The use of different discourse strategies used by anti-choice speakers to delegitimize abortion legalization, such as the reproduction of traditional anti-choice arguments, the appropriation of feminist arguments and the use of human rights language, the questioning of the numbers, the promotion of alternative "scientific" sources, and the use of storytelling to produce negative feelings.

#### What should we do?

- ▶ Identify the religious, conservative and misogynistic dogmas behind their arguments, which seem neutral at first sight.
- ▶ Expose the hypocrisy behind their arguments, their discourse manipulation and their use of denialism.
- ▶ Work on concise, clear and efficient arguments to refute these arguments, and show in a conclusive manner the academic and scientific findings in favor of legalization.
- ▶ Use stories to personalize more abstract concepts and data, as well as to de-stigmatize the practice and show other experiences.

**Strategy 5.** The repetitive use of some negative "winning" arguments during the debate on the Voluntary Termination of Pregnancy Bill at the Argentine Congress, which found more echo in the legislators and other key actors in

society and which were more difficult to refute by those in favor of legalization, given their wicked, hypocritical and confusing character.

#### What should we do?

- ▶ Systematize and monitor the anti-choice arguments that found more echo in decision-makers and in society in general.
- ▶ Devise strategies and efficient messages to counteract and dismantle these anti-legalization arguments.

**Strategy 6.** Discrediting of international bodies, and civil society officials and organizations, through the use of conspiracy theories and fake news, so as to delegitimize not only the debate but also abortion legalization.

#### What should we do?

- ▶ Show the fallacies, weaknesses and hypocrisy in the arguments used to discredit pro-choice organizations, public officials and agencies.
- ▶ Make the relationship between foreign conservative groups and Argentina's anti-choice groups visible, and also the financing they receive, among other things.
- ▶ Systematize the work of anti-choice groups to strengthen our knowledge about these groups and their actions, tactics, arguments, alliances, actors, and impacts.
- ▶ Develop strategies to work, in an organized and coordinated manner, to confront these ultra-conservative forces and conspiracy theories that are used to deny rights.

**Strategy 7.** Strategic monitoring and intervention of the judicial cases that are initiated to prevent the passing and implementation of the Law.

#### What should we do?

- ▶ Monitor the legal actions that are initiated and follow them up.
- ▶ Make a map of the actors that initiate the cases, the jurisdictions they choose, the arguments they present and what they pretend to achieve with these cases.
- ▶ Identify the efforts that are necessary -and who should make them- to be able to assign and assume roles that help stop the advance of each court case in terms of obstructing them.

- ▶ Collaboratively create a repository of arguments to answer the anti-choice arguments, which may be used in case of specific filings.
- ▶ Work with state, civil society and Judiciary actors that are located where each legal case is being prosecuted, and have the support of other actors to work together in a coordinated and strategic way.

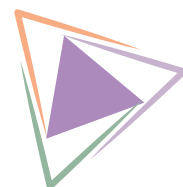
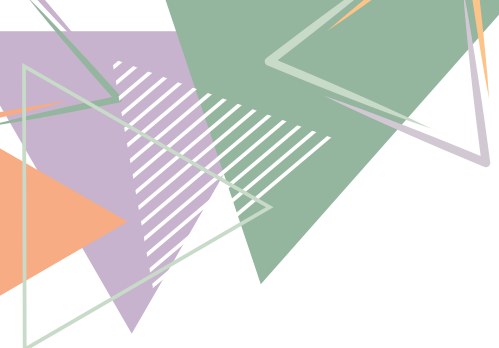
By systematizing these strategies, we want to provide a more general outlook of the activities, tactics and arguments most commonly used by anti-choice groups during the Voluntary Termination of Pregnancy legalization debate in Argentina. Of course, the study cannot be characterized as one that presents all the strategies used, as other strategies used by anti-choice groups during the debate, such as political strategies, may be identified, analyzed and systematized.

In this document, we aim at improving our knowledge of anti-choice groups in Argentina and in Latin America. We hope that this information may be a useful tool to counteract these positions and to act in a strategic and coordinated way, so as to advance a sexual and reproductive rights agenda.



## CITAS

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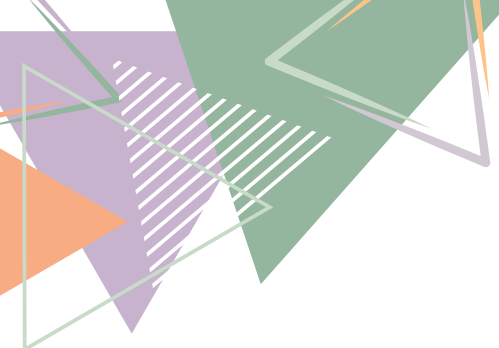
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105. See: Case "Lisazo, Vanina Elizabeth y Otro c/ Poder Ejecutivo Nacional s/ Amparo Ley 16.986 - Record FLP 000565/2021."

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**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 promote the enforcement of the Access to Voluntary Termination of Pregnancy Law 27610, and the access to legal abortions, to remove institutional and political barriers in the access to abortion and to build a community in which information may be shared, experiences may be exchanged and a space of solidarity, encouragement and political support may be offered.**

**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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