International Journal of Transgender Health

ISSN: (Print) (Online) Journal homepage: https://www.tandfonline.com/loi/wijt21

"We can conceive another history": Trans activism around abortion rights in Argentina

Francisco Fernández Romero

To cite this article: Francisco Fernández Romero (2020): "We can conceive another history": Trans activism around abortion rights in Argentina, International Journal of Transgender Health, DOI: 10.1080/26895269.2020.1838391

To link to this article: https://doi.org/10.1080/26895269.2020.1838391

Published online: 08 Nov 2020.

INTERNATIONAL JOURNAL OF TRANSGENDERISM
https://doi.org/10.1080/26895269.2020.1838391

"We can conceive another history": Trans activism around abortion rights in Argentina

Francisco Fernández Romero

Facultad de Filosofia y Letras, Universidad de Buenos Aires, Buenos Aires, Argentina

ABSTRACT

Background: A growing body of work focuses on transgender reproductive justice. However, little research has been undertaken on trans activists' contributions to reproductive justice movements in general, or to abortion rights movements in particular. Countries where trans identities are depathologized, such as Argentina, provide a unique opportunity to study challenges, achievements, and demands around reproductive justice for trans individuals in contexts where reproductive trans bodies are enabled to exist and may obtain legal gender recognition.

Aims: To explore critical interventions by trans and *travesti* activists and organizations in Argentina around the issue of abortion rights.

Methods: This paper analyses public speeches, publications, artwork, and flyers by trans and *travesti* activists and organizations in Argentina.

Results: Trans contributions to abortion rights struggles have established common ground between trans and feminist/women's movements around reproductive justice, have negotiated the inclusion of trans masculine persons within the abortion rights movement (both as activists and as potential users of abortion services), and have pointed to the country's depathologized Gender Identity Law as a potential model for abortion regulations.

Discussion: This paper concludes by discussing trans and *travesti* activists' contributions to framing abortion rights within a wider social and political agenda at the intersection between health, gender, sexuality, and bodily autonomy, which furthers the work done by reproductive justice perspectives.

KEYWORDS

Bodily autonomy; Latin America; reproductive justice; transgender; trans movement

Introduction

In her turn to speak in Argentina's National Congress, activist Claudia Vásquez Haro (2018) began by asking, "What do trans femininities and *travestis*[1] have to do with abortion?" She was one of four trans persons who were invited as expert speakers during the hearings that preceded the country's 2018 parliamentary vote on modifying abortion legislation, a vote that ultimately failed. The question of any kind of trans people's involvement in abortion struggles had become more and more pressing over the previous few years, paralleling both an increased visibility of the trans movement and heightened public pressure for Congress to consider widening Argentina's restrictive regulations on pregnancy termination. Trans activists had been part of abortion rights campaigns since at least the mid-2000s, but due to recent developments—such as trans masculine individuals' demands for recognition within abortion movements—trans presence had begun to throw into question the presumed exclusivity of cisgender women as the subject of abortion.

In the past decade, there have been a series of uneven developments around reproductive rights and bodily autonomy in Argentina. The country's gender identity law, which passed in 2012 thanks to grassroots trans activism, has been internationally hailed as cutting-edge (Schmall, 2012). Through a depathologized approach to recognizing individuals' gender identities, it has enabled access to both legal gender recognition and/or gender affirming healthcare free of charge, merely upon request. As shall be shown below, this law

CONTACT Francisco Fernández Romero francisco.fernandez@conicet.gov.ar Facultad de Filosofia y Letras, Universidad de Buenos Aires, Buenos Aires, Argentina.

restores trans persons' reproductive rights which had previously been curtailed by requiring sterilization for legal gender recognition. In 2013, lesbian activism contributed toward the passing of a law on medically assisted reproduction (Law no. 26.862), which enables free and depathologized access to reproductive technologies (Peralta, 2016). Since it does not require a diagnosis of infertility, this law encompasses non-heterosexual, non-cisgender and/or single individuals. Meanwhile, abortion is still penalized in Argentina except for circumstances involving rape or if the pregnancy might be damaging to health, although in practice restrictions have been eased somewhat over the past decade (Bergallo, 2014). In 2018, an abortion bill finally reached the National Congress floor for the first time in the country's history and was passed by the lower house, only to be rejected by the Senate.

But how do the seemingly parallel strands of trans and abortion activism overlap? This article explores trans activism around abortion in Argentina and its relationship to feminist and women's movements on the same issue. It asks, what have trans activists demanded of mainstream abortion activism? How have different communities within the trans movement justified their stakes in this struggle? And in what concrete ways have trans interventions shaped the current landscape of abortion activism? Of particular interest is how trans activists have attempted to frame abortion rights as part of a larger agenda—around health, bodily autonomy, gender rights, and sexual and reproductive justice—in order to establish common ground for coalitions between trans, feminist and women's movements. This article explores these questions through analyzing public interventions around abortion made by trans and *travesti* activists and organizations, such as speeches, published texts, artwork, and flyers. This research is also informed by the author's lived experience over the past decade as a member of trans communities.

The article begins by briefly exploring previous contributions on transgender reproductive justice. Next, it explains the legal status of abortion in Argentina and describes recent feminist and women's abortion rights activism in this country, including work to de-heterosexualize the movement. Then, it describes and analyzes the political work that trans activists and organizations have done around abortion throughout the past decade and a half. Three main strands can be identified within this work, which chronologically overlap somewhat, although certain shifts in the conversation can be identified over the years. First, *travesti* and trans men's initial framings of abortion as part of a wider agenda around bodily autonomy and reproductive justice established commonalities between trans and feminist movements. Second, transmasculine persons negotiated inclusion within abortion debates, demanding recognition as potential users of abortion services but also as political actors whose voice deserved to be heard. Third, trans activists referred to the country's Gender Identity Law as potential inspiration for abortion legislation. Finally, a few concluding remarks are offered on the changes trans activism has brought upon abortion activism and on the ways these activist interventions further the critical work done by reproductive justice frameworks.

Transgender reproductive justice

Authors have long identified connections between feminist and trans perspectives on health; for instance, Hanssmann (2016) argues that feminist practice and thought around biomedicine is relevant to trans health "particularly in its language of 'self-possession' and its emphasis on the politicization of clinical practice" (p. 121). More specifically, some authors establish analogies between transgender rights and women's reproductive rights, such as Koyama's (2003) transfeminism which "sees a deep connection between the liberation of trans women and women's right to choose" (p. 255). Cabral (2012a) also holds that "so-called 'sex changes' strain the State's property over the sexed, sexual and reproductive body, versus the individual's right to make sexual and reproductive decisions over the body they affirm as their own" (p. 258).

Besides framing both trans and reproductive issues as part of a larger agenda around bodily autonomy, some research has highlighted their intersections, that is, transgender reproductive

health, rights, or justice. Much of this work is based on a reproductive justice framework, which goes beyond the strictly legal definition of rights in order to consider the entire social context that can affect the rights of individuals to have children, not to have children, and to parent existing children. This perspective was developed by women of color in the United States, inspired by women from the Global South, in order to consider how race and class impact reproductive choice, promoting intersectional analyses and coalitions (Ross, 2006).

In this regard, some research has focused on the eugenic compulsory sterilization practices that have been directly or indirectly enforced on trans individuals as a condition for legal gender recognition, in the past and present, in places such as the United States, some European countries, and Japan (Honkasalo, 2018; Lowik, 2017a), and in Argentina before the passing of the country's Gender Identity Law in 2012 (Cabral & Viturro, 2006). Other research has focused on obstacles to reproduction for trans persons even in the absence of eugenic laws, such as difficulties in accessing assisted reproductive technologies or fertility preservation due to economic barriers, the absence of specific policy supports, and the cultural erasure of reproductive trans bodies (Lamm, 2019; Nixon, 2013; Radi, 2019; Strangio, 2016). Meanwhile, some emerging work looks at trans individuals' right not to reproduce, such as a manual for providing trans-inclusive abortion services (Lowik, 2017b) and studies of pro-natalist pressures from some medical professionals and parents who push transgender individuals to undergo fertility preservation treatments, even in the absence of their desire to do so (Riggs & Bartholomaeus, 2020).

Consideration has also been given to social and political movements around these issues. Research in the United States points out the connections between the work of transgender and reproductive rights movements, yet also highlights the difficulties in bringing them together due to the specific history of both issues in that country (Nixon, 2013). On the one hand, there are fears of de-centering women in reproductive issues since US court decisions have frequently de-gendered pregnancy to enable discrimination against pregnant people, arguing it does not constitute gender or sex discrimination; on the other hand, as transgender rights in several states are still linked to the pathologization of trans bodies and identities, it is often considered non-strategic to highlight the reproductive capacities and desires of trans individuals (Strangio, 2016).

Consequently, studying countries such as Argentina where trans identities are depathologized allows an analysis of the kinds of relations that can be established between trans and feminist/women's/reproductive justice movements when these considerations are not present. Furthermore, as shall be analyzed, trans depathologization allows the trans movement to enact specific contributions and claims toward the abortion rights movement. Some research has already been done around the difficulties in establishing these types of alliances in Argentina: Sutton and Borland (2018) describe discussions within Argentina's main abortion rights coalition regarding trans participation, while Radi (2019) reflects on the resistance to consider trans subjects in the entire public debate around this issue.

Abortion rights activism in Argentina

In Argentina, inducing an abortion remains illegal in most cases. Article no. 86 of the country's Penal Code prescribes a penalty of one to four years of prison for causing a termination with the pregnant person's consent, with three exceptions: if it is necessary to avoid harm to the pregnant person's health, if the pregnancy was caused by rape, or if it was caused by the abuse of a person with an intellectual disability. Nevertheless, even individuals in these situations encounter difficulties in accessing termination services, since health professionals and judges often interpret the law arbitrarily or otherwise obstruct the provision of abortions (Carbajal, 2009).

The issue of abortion remained rather marginal within Argentinean feminist and women's organizations until the late 1980s, and abortion rights positions only became more mainstream in the twenty-first century. After the 2003 and 2004 National Women's Meetings (*Encuentros Nacionales de Mujeres*), where support for

abortion rights began to be signaled by displaying green handkerchiefs, the National Campaign for the Right to Legal, Safe, and Free Abortion (*Campaña Nacional por el Derecho al Aborto Legal, Seguro y Gratuito*) was created in 2005.

The Campaign submitted its first bill on abortion legalization to the National Congress in 2007. This bill proposed to legalize abortion in the first 12 weeks of pregnancy, or later if the pregnancy resulted from rape, caused health risks, or involved "grave fetal malformations." None of the Campaign's bills reached the floor until 2018; however, in the meantime, a 2012 Supreme Court ruling slightly expanded access to abortion (Bergallo, 2014). The court confirmed that rape was a valid cause for abortion for anyone, and not only for people with intellectual disabilities (the Penal Code's language was ambiguous on that issue); it also established that individuals only need to provide a sworn statement that rape had occurred, without providing evidence nor police reports. In addition, the ruling determined that non-punishable abortions could and should be provided directly by health professionals without previously seeking judicial authorization (Centro de Información Judicial, 2012). Furthermore, a protocol published by the National Health Ministry in 2015 broadened the range of situations where a pregnancy could be considered detrimental to health, and thus legally terminated, by adopting the World Health Organization's comprehensive definition of health as physical, mental, emotional, and social well-being (Ministerio de Salud de la Nación, 2015).

While the Campaign worked toward legalizing abortion, other organizations took a parallel approach of supporting access to abortions within current constraints. One of the first groups to do so was *Lesbianas y Feministas por la Descriminalización del Aborto* (Lesbians and Feminists for the Decriminalization of Abortion), which began to distribute information on "do-it-yourself" medical abortions with misoprostol pills through a hotline established in 2009 and a book published in 2010 (Lesbianas y Feministas…, 2010; Mines et al., 2013). At the time, this political practice was considered controversial; although by 2012, several groups affiliated with the Campaign began forming a similar support network, called *Socorristas* (Burton, 2017).

Paralleling, and in some ways pre-dating, trans activists' interventions around abortion, *Lesbianas y Feministas…*'s work is relevant to this paper insofar as the group challenged the monopoly of heterosexual women on abortion rights activism and questioned the status quo around what abortion rights, struggles, and procedures might look like. These activists wielded a kind of rhetoric which differed from the public health arguments usually mobilized in Argentina in favor of abortion rights, which have tended to present abortion as a dramatic last resort for women who are depicted as victims (Pecheny, 2010). Instead, lesbian abortion activists transposed ideas from lesbian, gay, bisexual, and transgender movements, such as visibility, pride, and non-normative desire—in this case, the desire not to give birth—in order to bring abortion back into the realm of politics, gender relations, sexual relationships, and self-determination (Guzmán, 2013; Mines et al., 2013; Sutton & Vacarezza, 2020).

Trans interventions in abortion rights struggles

"The right to decide about our own body"

In 2005, when the National Campaign for the Right to Legal, Safe, and Free Abortion was created, some of the first endorsers were trans and *travesti* organizations such as ALITT (*Asociación de Lucha por la Identidad Travesti-Transexual*) and ATTTA (*Asociación de Travestis, Transexuales y Transgéneros de Argentina*) (Indymedia Argentina, 2005). In 2007, *travesti* leader and ALITT founder, Lohana Berkins, wrote that

We must take up a thousand times the fight to decriminalize abortion, because through it, we are also asking for the right to decide about our own body […]. We *travestis* don't have the physical ability to give birth to a child, but we can conceive another history (Berkins, 2007, p. 5).

When Berkins began highlighting this shared struggle between *travestis* and (cisgender) women around bodily autonomy, *travesti* and trans people's existence was still regulated by restrictive medical, judicial, and legal frameworks in

Argentina. On the one hand, since the late 1980s, *travesti* and trans organizations had fought against misdemeanor codes which criminalized wearing clothes of the "opposite sex" in public; although such regulations were abolished in the city of Buenos Aires in the late 1990s, in some parts of the country they were still standing at the time the gender identity law passed (Berkins, 2015).

Meanwhile, in order to access legal gender recognition in Argentina before 2012, individuals were required to prove the validity of their claim in court through invasive psychological, psychiatric, and medical examinations (Cabral, 2012a). One of the conditions for approval was modifying one's body through hormones and complete genital surgeries, which caused sterility. The provision of any transition-related medical practices required judicial authorization, which led many individuals to resort to illicit hormones, surgeries, and silicone injections (Cabral, 2012a). In a speech she gave during a Campaign conference, Berkins (2010) questioned the "perverse association between sexual diversity and non procreation" in general (p. 4), and specifically the prerequisite of sterilization as a condition for legal gender recognition: "Why should I have to pay with this body, in this society, to be legitimized, mutilating my own body with surgeries that would leave me sterile?" (p. 4).

In 2012, Argentina's National Congress passed a gender identity law (GIL), law no. 26.743, which enables legal gender recognition without gatekeeping and also includes the option of accessing gender-affirming healthcare as an inextricable component of the right to gender identity (Cabral, 2012a; for an English translation of the law, see Global Action for Trans Equality, 2012). This law was conceived by the *Frente Nacional por la Ley de Identidad de Género* (FNLIG), a coalition led by trans activists and supported by LGBT allies from across the country. Two of the most prominent features of the GIL are its depathologization and dejudicialization of trans identities: trans people no longer have to prove their gender to health professionals or judges in order to access legal recognition or gender-affirming healthcare (Cabral, 2012a, 2012b). The law also decriminalizes trans identities and gender-affirming surgeries. Moreover, it guarantees access to gender-affirming body modifications free of charge, without establishing them as a prerequisite for legal gender recognition nor vice versa.[2]

The GIL allowed for the legal recognition of trans individuals' genders without curtailing their reproductive capacities. However, social recognition of this fact was slower in occurring; in particular, abortion activism continued to presuppose women were the only gender capable of being pregnant. The first public controversy around this issue occurred in 2014, during a roundtable titled "Men and Abortion," when philosopher and trans activist Blas Radi presented the claim that trans men should be included in discourse on abortion.

Radi framed his argument within a wider demand for reproductive rights for trans people. He highlighted that although Argentina's GIL allows trans men to be legally recognized without giving up their reproductive capacity, existing legislation on reproduction and parenthood continue to presuppose cisgender subjects. Both this legal framework and abortion activists "maintain the same ontological commitment; […] heterocissexual women are produced as the only reproductive subjects, and trans people as non-reproductible subjects" (Radi, 2014, 6:26). He called for overcoming this cissexism within feminist activism, arguing that trans and abortion activism share a common ground in their struggle for bodily autonomy. Furthermore, he held that breaking essentialist associations between women and abortion or pregnancy would be beneficial for the women's liberation movement: "If we do not want to think of women as forcefully reproductive then we should question why we continue to hold that in order to reproduce one must be a woman" (11:41). In short, he held that broadening abortion activism to include different bodies and identities was in the interest of both the trans and feminist movements.

As Chaher (2014) described, tensions ran high during the Q&A that followed the roundtable. For instance, one of the founding members of the Campaign expressed her fear that the main goal of abortion legalization would be obscured by politics aimed at "the subversion of the sex-gender system" (para. 11). Sutton and Borland

(2018) have also documented how the presence of trans individuals created internal tensions in the Campaign. Part of the Campaign favored adopting more inclusive language and wished to build strategic alliances with LGBT groups, which some members saw as a model due to their success in passing marriage equality and gender identity laws. However, others raised concern around the potential displacement of the focus on (cisgender) women, and also around the possibility that speaking of trans people would be detrimental to the cause when trying to win over conservative lawmakers. Nevertheless, from this point forward, trans masculine voices gradually became more visible in conversations around abortion.

Within these first few years of active trans participation in abortion rights campaigning, besides bringing up issues of bodily autonomy, trans activists also framed abortion rights as a general health issue, perhaps mirroring the public health arguments which were widely used at the time by the women's movement. For instance, trans woman artist Effy Beth (Elizabeth Chorubczyck) appeared in Buenos Aires's 2013 pride march with a placard reading, "Abortion is health and the body is education" (Máximo, 2016). Similarly, in an essay on trans abortion published in the LGBT section of a mainstream newspaper, trans activist Francisco Sfeir considered the right to termination as part of a comprehensive approach to trans healthcare (Sfeir, 2014).

In the second half of the 2010s, more trans men began to be invited to panel discussions and featured in the media discussing the issue. During these first few years of more visible trans activism around abortion rights, a few themes reoccurred in public conversations. One of these was the general lack of knowledge about trans men among health professionals and the ensuing mistreatment of trans men when accessing reproductive healthcare, including termination services but also fertility treatments. As trans male activist Gian Franco Rosales stated when he was invited to speak at a panel on abortion at Buenos Aires's city legislature, "Not much is known about trans men. We are even questioned about our identities, we are asked why, if we become men, we attend clinics supposed to be for women. We are subjected to abuse and to this imposed binary" (Agencia Paco Urondo, 2016, para. 2). Trans male experiences of abortion services, in particular, began to be illustrated more explicitly when a few trans men, such as journalist Tomás Mascolo, came out publicly to tell the stories of their own abortions as early as 2015 (Gipler, 2015; Mascolo, 2017). Beyond reflecting the unsafe conditions of illegal abortions, these stories speak of misgendering and mistreatment by medical staff. This increased trans male presence in reproductive rights conversations ultimately led to some shifts in the abortion rights movement.

Not just "gestating bodies"

In response to increased trans visibility, the Campaign made certain concessions in the new bill they presented to Congress in 2016, although it never reached the floor. Its language remained women-centered, but it included an article which extended abortion rights to "persons with gestating capacities according to regulations presented in law no. 26.743 on gender identity," which was a roundabout way to mean trans people.[3]

In 2018, the Campaign's bill was finally discussed for the first time by the House of Representatives, where it was approved; and later the Senate, where it was rejected. During the hearings which prefaced the bill's discussion, four trans individuals were called to speak: Claudia Vázquez Haro, Blas Radi, Diego Watkins, and Florencia Trinidad. Throughout 2018, several massive rallies were held in favor of abortion rights, attended mostly by cis women but also by young trans and non-binary persons bearing signs and body paintings which proclaimed "we trans men abort too" and "legal abortion for trans youth" ("*los varones trans también abortamos*", "*aborto legal para chicxs trans*") (Máscolo, 2018). During the final rally held in August, on the day that the Senate debated the bill, the Campaign installed four large gazebos and three stages for speeches and other activities in front of the National Congress; each of these seven spaces was named after a feminist icon, two of whom were *travesti* activists.

While the bill was still under debate within the House of Representatives, its language was modified to be more inclusive: its separate article for

trans people was deleted and instead every reference to women was changed into "women and pregnant persons" ("*mujeres y personas gestantes*"). A similar phrasing had already been used in 2015 in the National Ministry of Health's protocol on legal pregnancy termination; this document referred to "people with the ability to carry a pregnancy" and explicitly included trans men (Ministerio de Salud de la Nación, 2015: 11). Gender-neutral phrasings also spread quite widely to discourse around abortion in general, at least in certain parts of the LGBT, feminist, and women's movements, though with some resistance due to a perceived erasure of women.

The use of gender-inclusive language, though acknowledged as an improvement, was nevertheless questioned by some trans male activists as not being enough. Trans activists' critical interventions went beyond the demand to recognize trans individuals as potential users of abortion services; they also aimed to be acknowledged as political actors whose participation in abortion policy discussions was necessary and valuable. In his turn as expert speaker in the National Congress, Radi (2018) held that a merely nominal inclusion in the text of the bill was not sufficient; as individuals who would be affected by abortion legislation, trans men and gender-non conforming persons must be invited to participate in policy-making.

As hype around abortion mounted and support for the abortion movement grew massively, with some rallies drawing a crowd of up to one million attendees (Campaña Nacional por el Derecho al Aborto Legal, Seguro y Gratuito, 2018), tensions and suspicions escalated around the participation of non-women, especially men, in the movement. In principle, trans masculine individuals were more welcome than cis men due to their status as potential "gestating bodies," although within the trans communities this article's author engages with, many trans persons recounted meeting hostility in virtual and physical abortion rights spaces where they were read as cisgender men. Indeed, as Radi had pointed out, linguistic inclusion did not translate automatically into an effective broadening of opportunities for political participation for transgender people; nor did it completely erase cisgenderism or cissexism within the abortion rights movement.

Another critique of merely adding on the phrase "pregnant bodies," in lieu of deeper engagements with trans communities, came from trans male members of the grassroots organization *Frente de Trans Masculinidades* (FTM). They pointed out that just attaching terminology such as "pregnant persons" to the preexisting rhetoric around reproductive rights only served to include trans persons as individual, biological bodies; this erased trans movements' collective histories and voices, and reified the objectifying gaze on transgender bodies and reproductive organs (FTM, 2018a, 2018b). The group produced a series of flyers in June 2018, distributed both materially during rallies and virtually through social media, which furthered this point (Figures 1–4). One of the flyers read: "We are not just gestating bodies. *Frente de Trans Masculinidades* insists: as trans men, trans masculine persons, trans fags, and sissies, we are political actors" (Figure 1). The demand to be recognized as a political movement was reinforced by the illustrations, which mostly showed groups of trans masculine individuals in rallying poses, either with their fists raised, holding green or trans-flag-colored banners, or sporting the Campaign's signature green handkerchiefs. These illustrations also enacted a visual inclusion of trans masculine individuals within abortion struggles, as they show body types not usually associated with abortion rights activism: some bodies have facial hair, others chest surgery scars or chest binders.

In brief, the main point made by trans activists around adding gender-neutral terminology such as "gestating bodies" was that including trans bodies as recipients of reproductive rights was necessary, but that trans voices could also make important contributions that needed to be listened to. The next sub-section elaborates on what these voices had to say.

The gender identity law as inspiration

Besides general claims around the trans movement's potential contributions toward abortion debates, trans activists have specifically called upon Argentina's gender identity law as a frame

Figure 1. Flyer by the *Frente de Trans Masculinidades*. Artwork by Jaro Grillo (Tirremomo).[4]

of reference and as a possible role model for abortion regulations.

The country's legal context provided certain conditions of possibility for the emergence of trans demands around termination rights. As Radi (2018) noted in his speech during the congressional hearings around abortion rights, since the GIL does not require medical transition for legal gender recognition, "our country recognizes the existence of men, and of other people not conforming to the female sex assigned at birth, who can become pregnant" (3:25). Therefore, abortion legislation which only referenced cisgender women would give rise to a "paradoxical

Figure 2. Flyer by the *Frente de Trans Masculinidades*. Artwork by Jaro Grillo (Tirremomo).[4]

scenario [in which], although both the right to gender identity and sexual and (non) reproductive rights are human rights, trans men are forced to choose between them" (5:15).

Besides these legal considerations, both trans feminine and trans masculine activists have established analogies between the kinds of bodily interventions facilitated by Argentina's gender identity

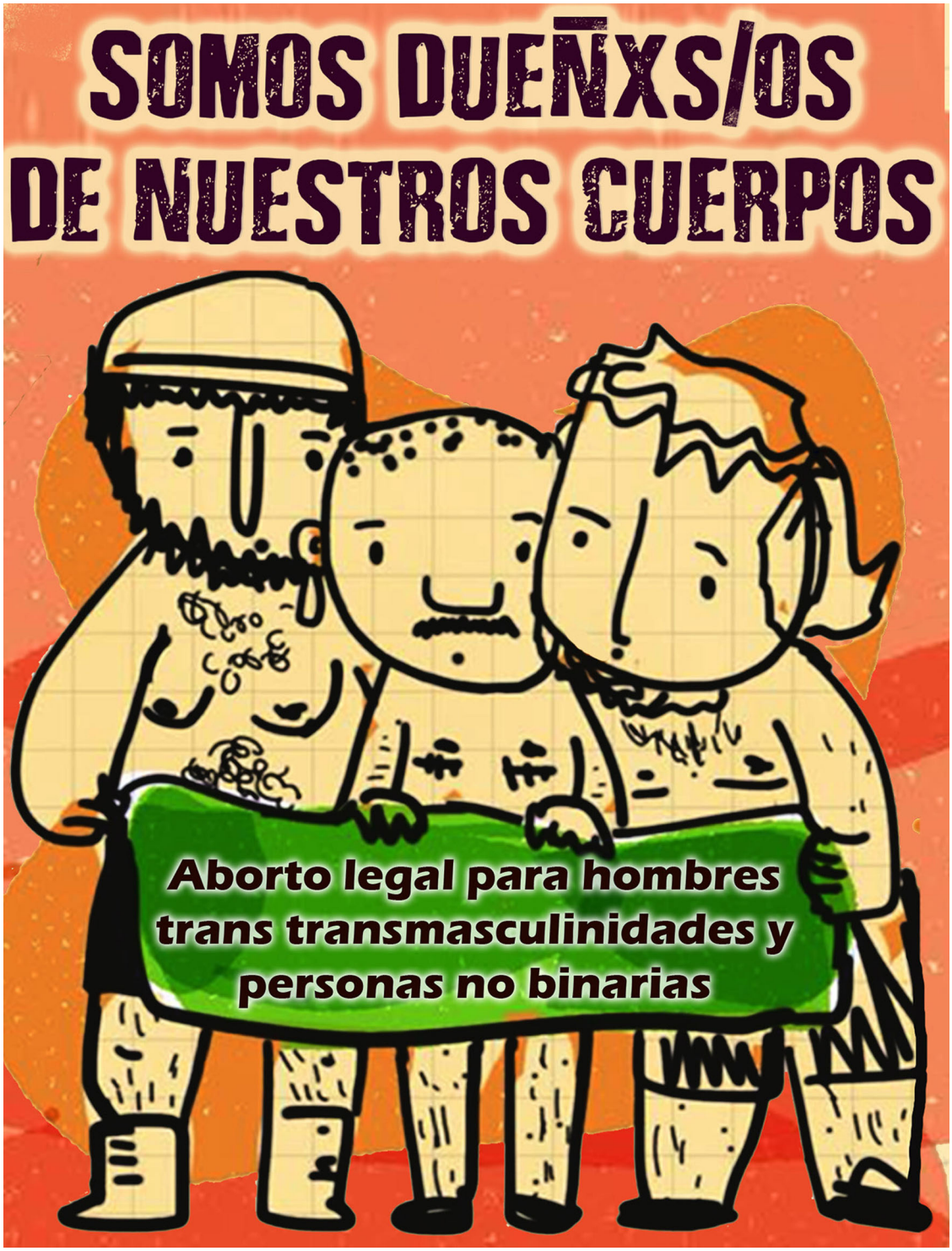

Figure 3. Flyer by the *Frente de Trans Masculinidades*. Artwork by Jaro Grillo (Tirremomo).[4]

law and by abortion rights bills. Trans women and *travestis* have pointed out similarities between clandestine abortions and the kinds of back-alley procedures many trans individuals have gone through, emphasizing that restricting access to any kind of bodily intervention disproportionately exposes poor individuals to unsafe practices. In her speech in Congress in 2018, Claudia Vásquez Haro pointed out that in reports from 2005 and 2007, industrial-grade silicone or oil injections were among the top three causes of death for *travestis* and trans women in Argentina:

Figure 4. Flyer by the *Frente de Trans Masculinidades*. Artwork by Jaro Grillo (Tirremomo).[4]

These procedures were performed in unsanitary conditions, where due to a lack of access to public health, many *compañeras* died; most of them, poor trans feminine persons and *travestis*. In this sense, we can establish a parallel with poor cis women: because of a lack of public health policies, they carry out clandestine abortions in unhygienic conditions and die (Vázquez Haro, 2018, 3:02).

Vásquez Haro then noted that *travesti* and trans women's health statistics have improved since the country passed its gender identity bill, which made transition-related healthcare easier to access: self-administration of silicone injections halved between 2012 and 2018. The underlying implication was that better abortion legislation would allow similar improvements for cis women.

Trans woman artist Effy Beth (Elizabeth Chorubczyck), who was mentioned earlier, also highlighted the contrast between back-alley abortions and now-legal transition-related interventions. In 2013, she shared a photo of herself in an operating room, smiling at the camera while waiting for a transition-related surgery (Máximo, 2016). She had placed text boxes around her face, the largest of which read:

> AWAKE. Watchful. I decide. My body is mine. I don't need you to understand me. I don't have to justify myself. Awake, I can photograph myself in the middle of the procedure, because it isn't illegal. My body is mine. Is your body yours? (Effy Beth, 2013, in Máximo, 2016, p. 322).

Like Vázquez Haro and Effy Beth, the *Frente de Trans Masculinidades* established similarities between gender transitions—some aspects of which were facilitated by the GIL—and abortions, framing both within a wider spectrum of decisions about one's (gendered and sexed) life and body.[5] In one flyer, for instance, they asserted: "We are the owners of our bodies. In choosing our names and pronouns. In deciding if we want hormones or surgery. In deciding who to (not) have sex with. In choosing to carry a pregnancy or not" (Figure 4). Accompanying drawings showed a person with chest surgery scars holding a baby, a shirtless person without top surgery, and two people with facial hair kissing. The *FTM* also established an analogy between hormone treatment and abortion pills through graffiti and flyers which read "Androlone y misoprostol" (Androlone being one brand name of testosterone gel). Since both medications are simple to self-administer, and safe when used under medical supervision, they afford the user greater control, as compared to injectable testosterone and surgical abortions.

In addition, *FTM* members emphasized the common thread of (de)pathologization underlying struggles for both abortion and trans-related legislation. In some of their flyers and public speeches, they explicitly connected the GIL with the abortion rights bill (e.g. 2018b). The text of one flyer (Figure 2) reads:

> Argentina already has a gender identity law (conquered by the trans movement) which enables every person to willingly modify their body or not, without pathologizing nor subjecting their decision to professional evaluation. Let's aim for more bodily and sexual autonomy for all persons.

Similarly to how Effy Beth's piece highlighted her ability to access surgery without justifications, the implication here is that legislation should not hinge access to abortion on externally-established medical reasons (nor any other), just as the GIL does not determine legitimate causes for gender-affirming procedures.

Discussion

The reproductive justice framework was developed partly to contest the abortion-centric focus of the abortion rights movement in the United States, which didn't account for health and reproductive disparities related to class and race (Ross, 2006). In Argentina, the trans movement's work around reproductive issues has explicitly (Radi, 2019) or implicitly taken an approach amenable to this framework. First, this movement achieved a gender identity law which allows trans individuals to obtain legal gender recognition while maintaining their reproductive capacities. Second, even while campaigning for abortion rights, trans activists have continually pushed for the abortion rights movement to understand abortion, which is the most mainstream reproductive rights issue in Argentina, as part of a broader struggle for bodily autonomy and for gender, sexual, and health rights and justice. Trans and *travesti* interventions highlighted in this article have established connections between the right to terminate a pregnancy, the right of trans people (and all persons) to have children if they so desire, and the right of trans people (and all persons) to decide freely about their gendered and sexed bodies. Moreover, by comparing abortion to

other bodily practices not directly related to procreation or child-rearing (such as name changes, pronoun use, non-genital body modifications, etc.), they pushed for abortion rights to be framed not only as an issue of reproductive justice, but more broadly as a social justice issue at the intersection between health, gender, sexuality, and bodily autonomy.

In 2010, during a Campaign conference, Lohana Berkins stated:

> I'm interested in showing what we *travestis*, transsexuals and transgender people can contribute to the Campaign. We are always the girls who bring the party, the spectacle, the fun, right? [But] we also produce knowledge, we can develop theory, and in this sense we aren't setting out to deviate the focus, I insist, from the central issue which is women, but instead [intend to] enrich this Campaign and this proposal by working on issues which have the same essence, such as taking the ownership of our bodies back from states, corporations and the church. (Berkins, 2010, p. 4)

The following decade would prove her right on several points. Indeed, trans persons—and not only trans women and *travestis*, as she might have imagined at the time—have proven that they can contribute theory and political experience to abortion rights struggles. As has been shown, trans activists have framed abortion rights within a wider agenda for bodily autonomy which includes sexual and reproductive justice, the right to self-determine one's gender, and the right to gender-affirming procedures, all within a de-pathologization framework—which is not so far from what Berkins herself proclaimed.

However, from at least 2014 on, trans activists, especially trans masculine activists, *have* questioned the exclusive focus on women as the subject of abortion rights; and the fact that other genders can abort too has achieved some degree of recognition within discussions and legislation on abortion rights. Moreover, Berkins's speech was given two years before the GIL passed; this law, which provides a glimpse of what depathologized, gatekeeper-free health regulations can look like, has later been wielded by trans activists to raise the bar of what abortion legislation could potentially do in order to further amplify bodily autonomy. The fact that Berkins's quote sounds outdated today is a testament to how far the Argentinean context has changed in the past decade.

In May 2019, the Campaign submitted yet another bill on abortion rights to the National Congress; this latest version refers to abortion rights for "all women or other identities with gestating capacities" ("*toda mujer u otras identidades con capacidad de gestar*"). The bill hasn't reached the floor yet, and its prospects are uncertain; on the one hand, the rise of conservatism across the Americas doesn't seem to bode well for reproductive justice, though on the other hand, abortion rights have garnered massive popular support in Argentina throughout the past few years. Beyond the future of this particular bill, however, trans and feminist movements globally could learn from Argentina's experience. By recognizing that cisgender women are not the only subject of abortion rights, and by framing these rights within a wider agenda around bodily autonomy, coalitions can be built between different movements to support broadening sexual, gender, reproductive, and bodily rights, justice, and freedom.

Notes

1. *Travesti* is a feminine gender identity specific to some areas of Latin America. Berkins (2009) explains how this term—which was initially pejorative—was reclaimed and re-signified in Argentina.
2. Trans activism around Argentina's GIL was part of an ongoing global movement for trans and intersex depathologization which aims to remove pathologizing prerequisites for accessing healthcare and legal gender recognition, such as mental health diagnoses, mandatory surgeries, or sterilization (Suess, 2014). The GIL also drew from the Yogyakarta Principles, which are a set of statements on the application of international human rights law to issues of sexual orientation and gender identity (Cabral, 2012b). Argentinean trans and intersex activist Mauro Cabral Grinspan, who was a key figure in advancing the GIL, also co-authored the Yogyakarta Principles and directs Global Action for Transgender Equality.
3. See the text of the 2016 bill (https://www.hcdn.gob.ar/proyectos/textoCompleto.jsp?exp = 4161-D-2016) and also its 2018 and 2019 versions, mentioned later in this paper (https://www.hcdn.gob.ar/proyectos/textoCompleto.jsp?exp = 0230-D-2018 and https://www.hcdn.gob.ar/proyectos/textoCompleto.jsp?exp = 2810-D-2019).

4. Full-color images available at https://www.behance.net/jarogrillo.
5. The *FTM* collaborated on the issue of abortion rights with a gay and bisexual male group called *Asamblea de Maricas y Bisexuales* (AMB), which was composed of cis and trans individuals, including some *FTM* members. Together, both groups produced flyers which were distributed during abortion rights rallies. The AMB's side also contributed towards reframing the issue of abortion rights as one item within a wider agenda. For instance, parts of the flyers read: "*Asamblea de Maricas y Bisexuales* insists: Our bodily autonomy is a precondition for our sexual liberation" and "Yesterday, today and always, our horizon has been the autonomy of bodies, desires, and pleasures." Photos of these flyers are available at http://maricasybisexuales.tumblr.com.

Funding

The author was supported by a fellowship from the Consejo Nacional de Investigaciones Científicas y Técnicas (CONICET), Argentina.

References

Agencia Paco Urondo. (2016, September 29). *Varones trans: "Queremos participar del debate sobre aborto."* Retrieved July 6, 2020, from http://www.agenciapacourondo.com.ar/genero/varones-trans-queremos-participar-del-debate-sobre-aborto

Bergallo, P. (2014). The struggle against informal rules on abortion in Argentina. In R. J. Cook, J. N. Erdman & B. M. Dickens (Eds.), *Abortion law in transnational perspective: Cases and controversies* (pp. 241–277). University of Pennsylvania Press.

Berkins, L. (2010). *Intervención en Panel 3. El aborto: Aspectos éticos, jurídicos y políticos* [Paper presentation]. Seminario internacional: El derecho al aborto, una deuda de la democracia, Buenos Aires, Argentina.

Berkins, L. (2007). Hay que tener coraje para ser mariposa en un mundo de gusanos capitalistas. *El Teje*, (1), 4–5.

Berkins, L. (2009). Un itinerario político del travestismo. In D. Maffía (Ed.), *Sexualidades migrantes: Género y transgénero* (pp.143–155). Feminaria and Librería de Mujeres.

Berkins, L. (Ed.). (2015). *Cumbia, copeteo y lágrimas: Informe nacional sobre la situación de las travestis, transexuales y transgéneros*. Ediciones Madres de Plaza de Mayo.

Burton, J. (2017). Prácticas feministas en torno al derecho al aborto en Argentina: Aproximaciones a las acciones colectivas de Socorristas en Red. *Revista Punto Género*, (7), 91–111. https://doi.org/10.5354/0719-0417.2017.46268

Cabral, M. (2012a). Algo ha pasado. In J. M. Morán Faúndes, M. C. Sgró Ruata, & J. M. Vaggione (Eds.), *Sexualidades, desigualdades y derechos: Reflexiones en torno a los derechos sexuales y reproductivos* (pp. 251–273). Ciencia, Derecho y Sociedad.

Cabral, M. (2012b, April 25). Ley de identidad de género en Argentina. *Sexual Policy Watch*. Retrieved July 5, 2020, from https://sxpolitics.org/es/por-el-mundo-25/1967

Cabral, M., & Viturro, P. (2006). (Trans)sexual citizenship in contemporary Argentina. In P. Currah, R. Juang, & S. Prince Minter (Eds.), *Transgender rights* (pp. 262–273). University of Minnesota Press.

Campaña Nacional por el Derecho al Aborto Legal, Seguro y Gratuito. (2018). *¡El 8 de agosto se sancionará el aborto legal en Argentina!* Retrieved July 5, 2020, from http://www.abortolegal.com.ar/el-8-de-agosto-se-sancionara-el-aborto-legal-en-argentina/

Carbajal, M. (2009). *El aborto en debate: Aportes para una discusión pendiente*. Paidós.

Centro de Información Judicial. (2012, March 13). *La Corte Suprema precisó el alcance del aborto no punible y dijo que estos casos no deben ser judicializados*. Retrieved July 5, 2020, from http://www.cij.gov.ar/nota-8754-La-Corte-Suprema-preciso-el-alcance-del-aborto-no-punible-y-dijo-que-estos-casos-no-deben-ser-judicializados.html

Chaher, S. (2014, July 14). ¿Puede la mujer heterosexual no ser el único sujeto de la lucha por el aborto? *Comunicación para la igualdad*. Retrieved July 5, 2020, from https://comunicarigualdad.com.ar/puede-la-mujer-heterosexual-no-ser-el-unico-sujeto-de-la-lucha-por-el-aborto/

Frente de Trans Masculinidades. (2018a, June 11). *Radio appearance, La Pez en Bicicleta, La Tribu Radio, Buenos Aires*. Retrieved July 5, 2020, from https://ar.ivoox.com/es/apuntes-para-leer-activismo-abortero-audios-mp3_rf_26470461_1.html

Frente de Trans Masculinidades (2018b, August 8). *Speech at the roundtable "Diversidad sexual y aborto," Buenos Aires*. Retrieved July 5, 2020, from https://www.facebook.com/permalink.php?story_fbid=442190476565826&id=204060817045461

Gipler, N. (2015, September 30). Paraná: Jornada por el derecho al aborto en mujeres e identidades trans. *La Izquierda Diario*. Retrieved July 5, 2020, from https://www.laizquierdadiario.com/Parana-jornada-por-el-derecho-al-aborto-en-mujeres-e-identidades-trans

Global Action for Trans Equality. (2012). *English Translation of Argentina's Gender Identity Law*. https://gate.ngo/argentina-gender-identity-law-english-translation

Guzmán, A. (2013, August 23). Lesbianas por la vida. *Suplemento Soy, Página/12*. http://www.pagina12.com.ar/diario/suplementos/soy/1-3070-2013-08-23.html

Hanssmann, C. (2016). Passing torches? Feminist inquiries and trans health politics and practices. *TSQ: Transgender Studies Quarterly*, *3*(1–2), 120–136. https://doi.org/10.1215/23289252-3334283

Honkasalo, J. (2018). Unfit for parenthood? Compulsory sterilization and transgender reproductive justice in Finland. *Journal of International Women's Studies*, *20*(1), 40–52.

Indymedia Argentina. (2005, July 28). *3° mes de la Campaña Nacional por el Derecho al Aborto Legal, Seguro y Gratuito*. Retrieved July 5, 2020, from http://archivo.argentina.indymedia.org/news/2005/07/312355.php

Koyama, E. (2003). The transfeminist manifesto. In R. Dicker & A. Piepmeier (Eds.), *Catching a wave: Reclaiming feminism for the twenty-first century* (pp. 244–259). Northeastern University Press.

Lamm, E. (2019). *Gender identity and reproductive autonomy. Deconstructing sex, gender and roles. (Report)*. Global Action for Trans Equality.

Lesbianas y Feministas por la Descriminalización del Aborto. (2010). *Todo lo que querés saber sobre cómo hacerse un aborto con pastillas*. El Colectivo.

Lowik, A. J. (2017a). Reproducing eugenics, reproducing while trans: The state sterilization of trans people. *Journal of GLBT Family Studies*, *14*(5), 425–445. https://doi.org/10.1080/1550428X.2017.1393361

Lowik, A. J. (2017b). *Trans-inclusive abortion services: A manual for providers on operationalizing trans-inclusive policies and practices in an abortion setting*. Fédération du Québec pour le Planning des Naissances.

Mascolo, T. (2017, June 10). Romper el tabú: Embarazo y aborto en hombres trans. *La Izquierda Diario*. Retrieved July 5, 2020, from https://www.laizquierdadiario.com/Romper-el-tabu-embarazo-y-aborto-en-hombres-trans

Mascolo, T. (2018, February 25). El odio de Agustín Laje contra un adolescente trans. *La Izquierda Diario*. Retrieved July 5, 2020, from http://www.laizquierdadiario.com/El-odio-de-Agustin-Laje-contra-un-adolescente-trans

Máximo, M. (2016). *Que el mundo tiemble: Cuerpo y performance en la obra de Effy Beth*. Editorial de la Universidad Nacional de La Plata.

Mines, A., Díaz Villa, G., Ruedo, R., & Marzano, V. (2013). El aborto lesbiano que se hace con la mano": Continuidades y rupturas en la militancia por el derecho al aborto en Argentina (2009–2012). *Bagoas*, *7*(9), 133–160.

Ministerio de Salud de la Nación. (2015). *Protocolo para la atención integral de las personas con derecho a la interrupción legal del embarazo*. Retrieved July 5, 2020, from http://www.legisalud.gov.ar/pdf/protocolo_web_2015.pdf

Nixon, L. (2013). The right to (trans) parent: A reproductive justice approach to reproductive rights, fertility, and family-building issues facing transgender people. *William & Mary Journal of Women and the Law*, *20*(1), 72–103.

Pecheny, M. (2010). Political agents or vulnerable victims? Framing sexual rights as sexual health in Argentina. In P. Aggleton & R. Parker (Eds.), *Routledge Handbook of Sexuality, Health, and Rights* (pp. 359–369). Routledge.

Peralta, M. L. (2016). *Cocktail, siliconas, hormonas, fertilización: Una trayectoria biotecnológica a través del activismo gltb de reforma legal* [Paper presentation]. III Coloquio Internacional Saberes contemporáneos desde la diversidad sexual: Teoría, crítica, praxis. Rosario, Argentina.

Radi, B. (2014, July 3). *Aborto y varones trans* [Video with English transcript]. https://www.youtube.com/watch?v=wXSz_BmTiq8

Radi, B. (2018, May 17). *Contribution to the debate on abortion* [Video with English transcript]. https://www.youtube.com/watch?v=XNrp8CvfmGQ

Radi, B. (2019). Injusticia reproductiva: Entre el derecho a la identidad de género y los derechos sexuales y reproductivos. In S. Balaña, A. Finielli, C. Giuliano, A. Paz, & C. Ramirez (Eds.), *Salud feminista. Soberanía de los cuerpos, poder y organización* (pp. 125–143). Tinta Limón.

Riggs, D. W., & Bartholomaeus, C. (2020). Toward trans reproductive justice: A qualitative analysis of views on fertility preservation for Australian transgender and nonbinary people. *Journal of Social Issues*, *76*(2), 314–337. https://doi.org/10.1111/josi.12364

Ross, L. ((2006).). *Understanding reproductive justice*. (Briefing paper). SisterSong Women of Color Reproductive Health Collective.

Schmall, E. (2012, May 24). Transgender advocates hail law easing rules in Argentina. *The New York Times*. Retrieved July 5, 2020, from https://www.nytimes.com/2012/05/25/world/americas/transgender-advocates-hail-argentina-law.html

Sfeir, F. (2014, June 20). ¿Qué tiene para decir un puto trans sobre el derecho al aborto? *Suplemento Soy, Página 12*. https://www.pagina12.com.ar/diario/suplementos/soy/1-3490-2014-06-20.html

Strangio, C. (2016). Can reproductive trans bodies exist? *City University of New York Law Review*, *19*(2), 223–245.

Suess, A. (2014). Cuestionamiento de dinámicas de patologización y exclusión discursiva desde perspectivas trans e intersex. *Revista de Estudios Sociales No. 35*, *49*, 128–143. https://doi.org/10.7440/res49.2014.10

Sutton, B., & Borland, E. (2018). Queering abortion rights: Notes from Argentina. *Culture, Health & Sexuality*, *20*(12), 1378–1393. https://doi.org/10.1080/13691058.2018.1437221

Sutton, B., & Vacarezza, N. L. (2020). Abortion Rights in Images: Visual Interventions by Activist Organizations in Argentina. *Signs: Journal of Women in Culture and Society*, *45*(3), 731–757. https://doi.org/10.1086/706489

Vásquez Haro, C. (2018, May 15). Exposición de *Claudia Vásquez Haro* [Video]. https://www.youtube.com/watch?v=-oB-ODcSx_o