

Under Fire:
Sexual and Reproductive
Rights in Latin America
post-Beijing

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DISCLOSURE STATEMENT

The presenters, Dabney P. Evans and Samantha M. Luffy, have no disclosures to report.

SESSION ROADMAP

- Introduction to Sexual and Reproductive Rights
- Qualitative research in Nicaragua
- Past Publications:
 - *Siempre me critican*: Barriers to sexual and reproductive health in Ocotal, Nicaragua
 - “It is better if I kill her:” Perceptions and opinions of violence against women and femicide in Ocotal, Nicaragua, after Law 779
 - “Regardless, you are not the first woman:” An illustrative case for missed opportunities to protect sexual and reproductive rights
- What’s next?
 - Expanding research to Brazil

SESSION ROADMAP

- Introduction to Sexual and Reproductive Rights
- Qualitative research in Nicaragua
- Past Publications:
 - Pan American Journal of Public Health
 - Violence & Gender
 - Gender & Development (*in review*)
- What's next?
 - Expanding research to Brazil

INTRODUCTION TO SEXUAL AND REPRODUCTIVE RIGHTS

HUMAN RIGHTS

- **International Covenant on Economic, Social and Cultural Rights (ICESCR)**
 - **Article 12:** The right to the highest attainable standard of physical and mental health
- **Convention on the Elimination of all forms of Discrimination Against Women (CEDAW)**
 - **Article 12:** Ensures, on a basis of equality of men and women, access to health care services, including those related to family planning

HUMAN RIGHTS

- **Convention on the Rights of the Child**
 - Article 24: Ensures that no child is deprived of his or her right to access to health care services
- **Special Rapporteurs on the Right to Health and Violence Against Women (VAW)**
 - Details found at www.ohchr.org



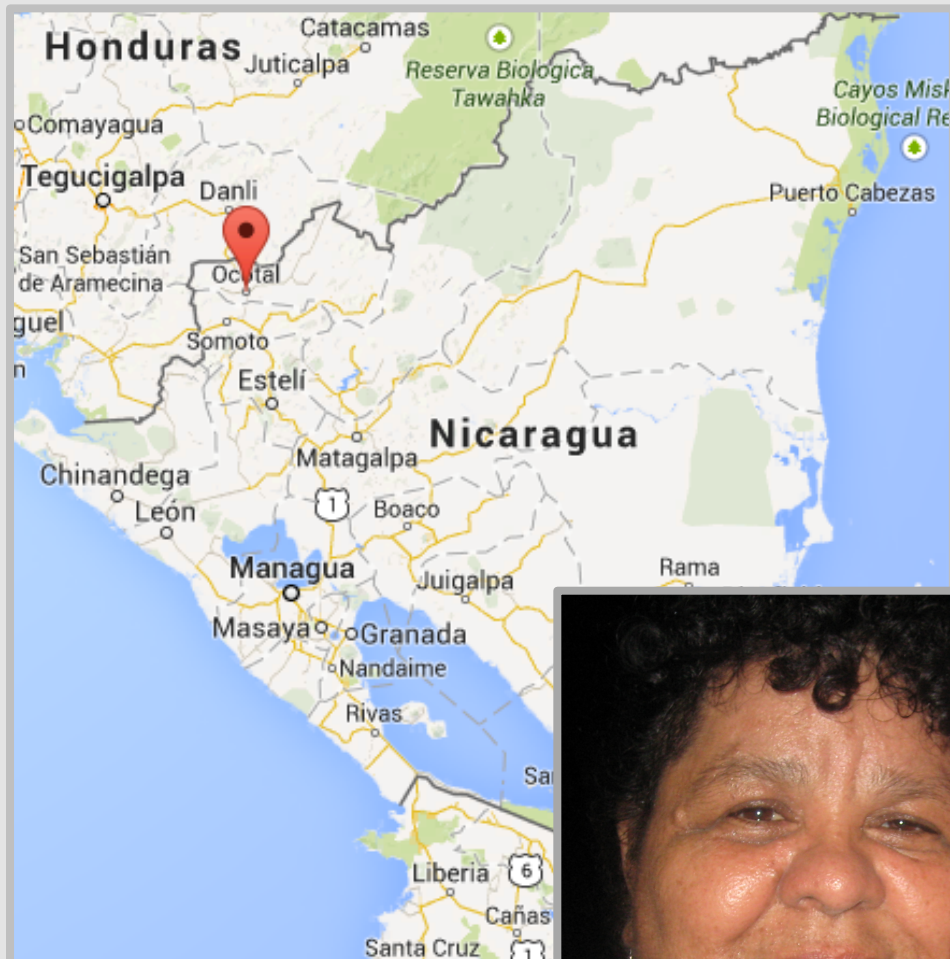
SEXUAL RIGHTS

- 1995 Fourth World Conference on Women
 - Aka: the Beijing Declaration
- Defined as: “The human rights of women include their right to have control over and decide freely and responsibly on matters related to their sexuality.” (Paragraph 96)
- Has since expanded to include the rights of men
- Central to recent LGBTQ+ movements
 - Frequently referenced by women’s rights groups who are concerned with sexual violence and VAW

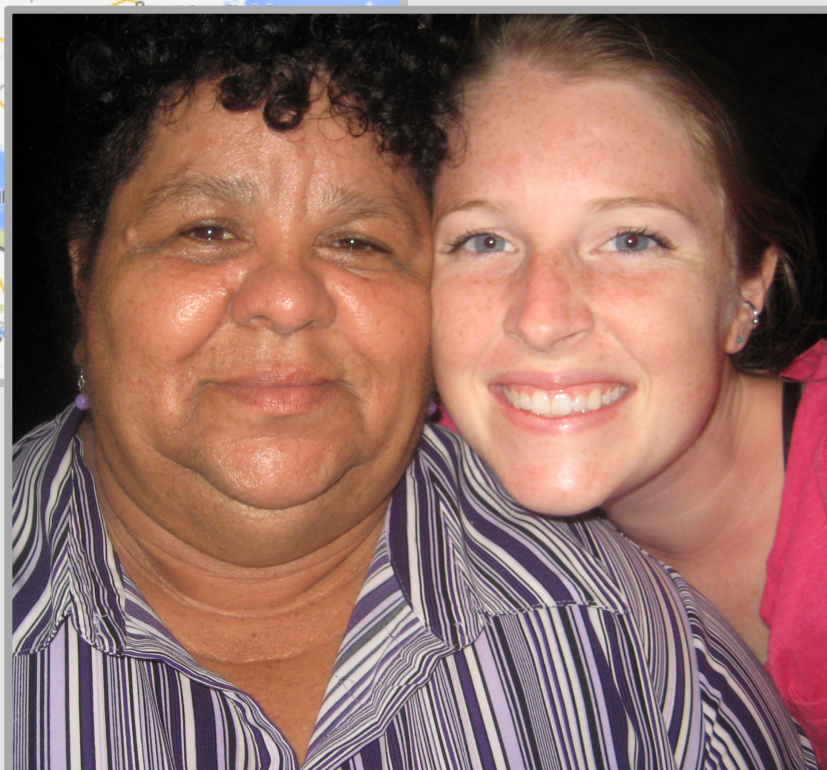
REPRODUCTIVE RIGHTS

- 1994 International Conference on Population and Development (ICPD) – aka: the Cairo Declaration
- Defined as: **“The recognition of the basic right of all couples and individuals to decide freely and responsibly the number, spacing and timing of their children and to have the information and means to do so, and the right to attain the highest standard of sexual and reproductive health. They also include the right of all to make decisions concerning reproduction free of discrimination, coercion and violence.”** (Paragraph 7.3)
- Does not claim access to safe abortion as a right: **“Where legal it must be accessible; where illegal, women should not die or face morbidity because of the effects of illegal and unsafe abortion.”**

RESEARCH IN NICARAGUA



**Ocotal,
Nicaragua**



**Dochyta
Falcon**

FOCUS GROUP DISCUSSIONS

- Groups of 5-6 women
- Women ages 17-27
- Inclusion criteria
 - Have been pregnant at least once
- Main topics:
 - Obstacles to receiving sexual & reproductive health (SRH) care
 - Perceptions of their sexual & reproductive rights
 - Opinions about country's total ban on abortion



WHAT ARE YOUR SEXUAL AND REPRODUCTIVE RIGHTS?

**Open
Question**

EXAMPLES FROM PARTICIPANTS

The right to decide when to have sexual relations

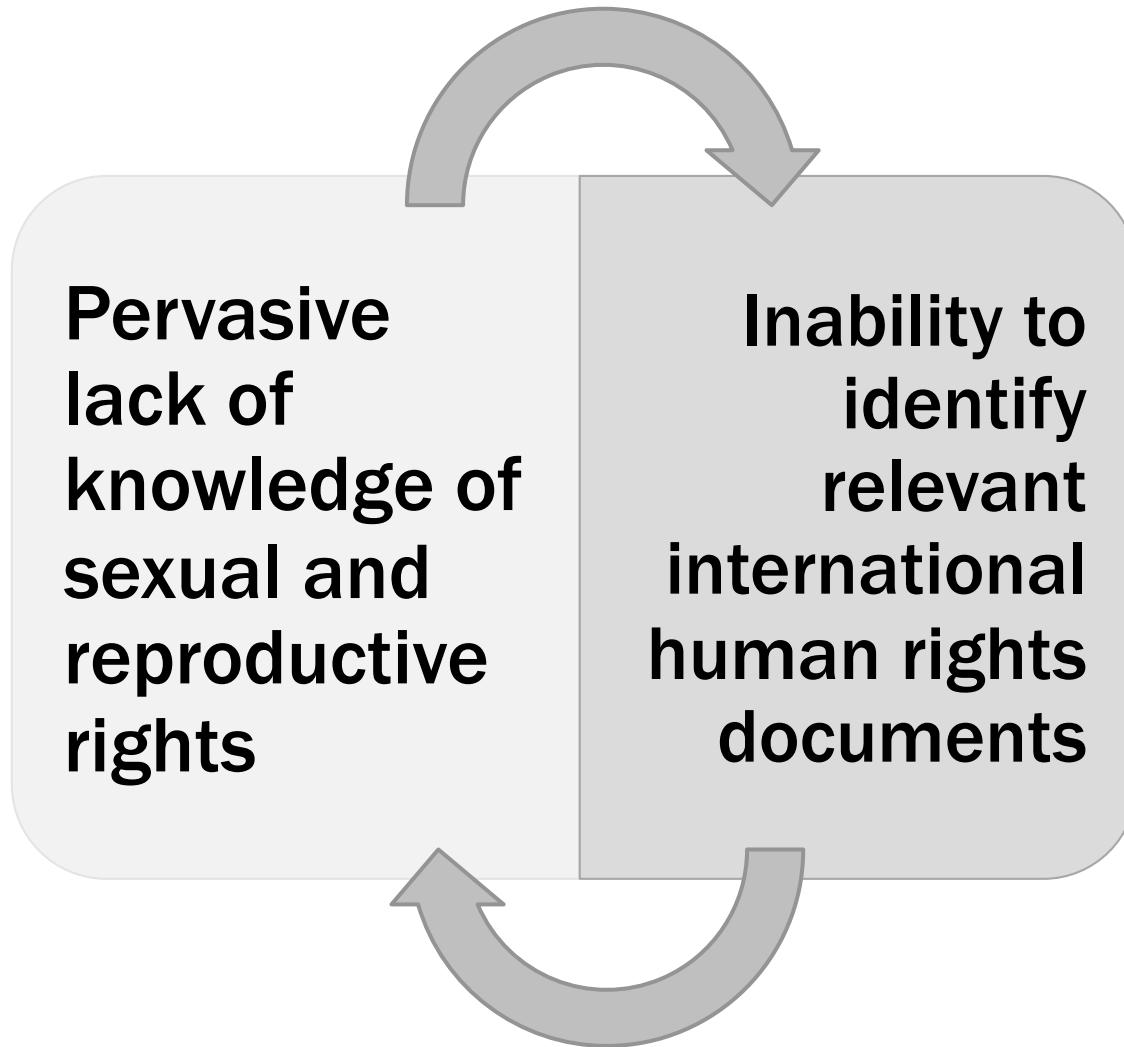
The right to have access to free SRH services and education

The right to choose how many children you want to have

The right to have access to specialty gynecologic services

The right to choose what method of family planning to use

The right to be treated well by health care providers



MAIN FINDINGS

Q&A / DISCUSSION

BARRIERS TO SEXUAL AND REPRODUCTIVE HEALTH

COMMUNICATION

Sometimes he understands me and sometimes he does not. Because when I say that I want to work, he does not like those decisions. If I tell him that I want to study, because I want to study a profession this year, he says, "No, I do not like that decision." ...
Sometimes I do not understand his mentality.

CRITICAS

You know that when all the people that live in a neighborhood go [to the same health center] and you also live in that neighborhood, they will know you and they will publicize [information about you].

So, for this reason, I don't want it to be out there [that I have HPV]... Later they will say that all people that live in the neighborhood have the virus. Sometimes it is not the disease that harms you; it is the *criticas*.

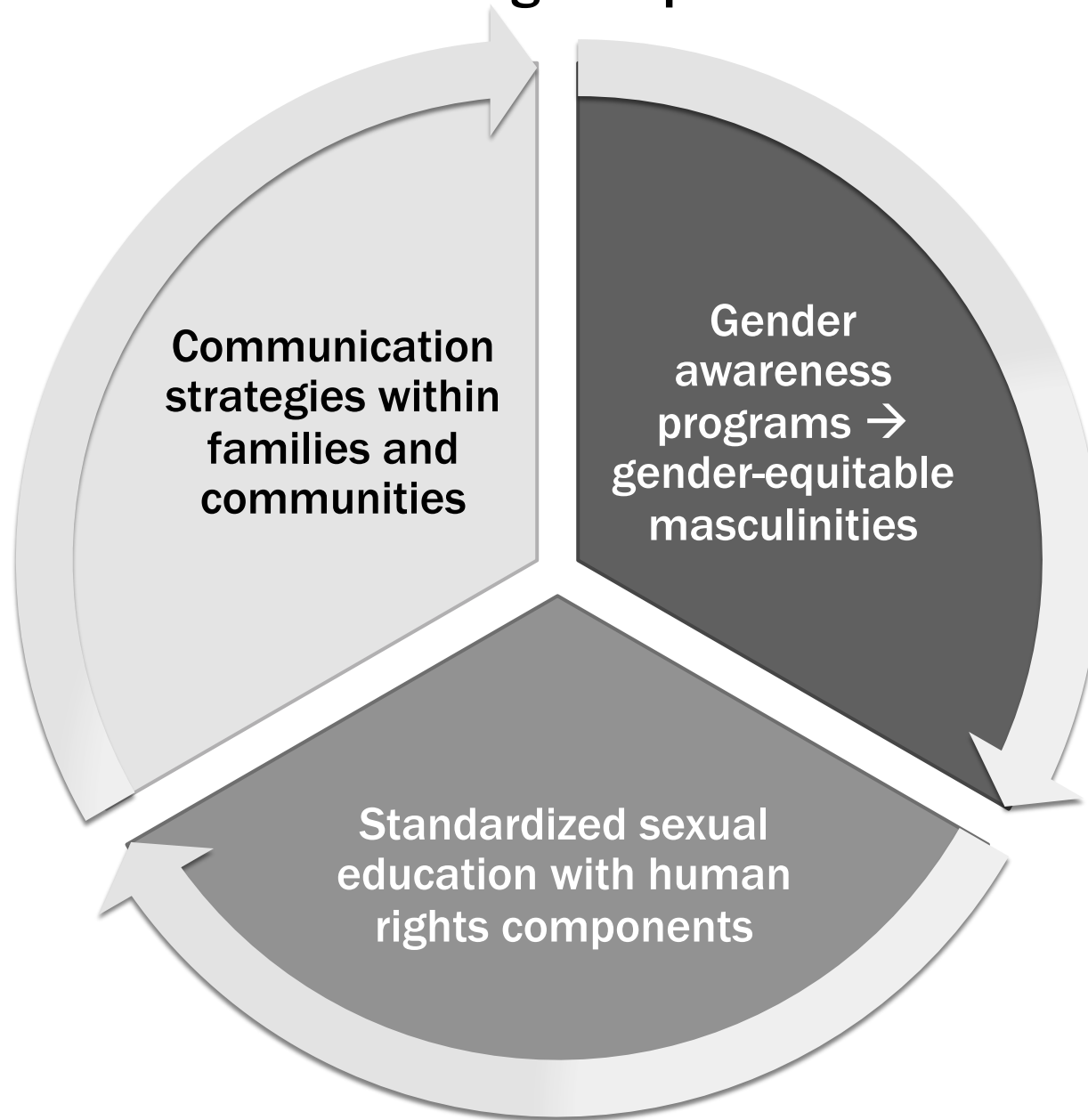
ANDAR ESCONDIDA

I did not [family] plan. I sometimes had the urge to [family] plan, but sometimes I saw many people I knew at the [health] center and, since I was dating my boyfriend in secret, I was afraid that if they saw me receive a method of [family] planning, then my mother would find out and get mad at me. In order to avoid these problems with my mother, I did not [family] plan.

MACHISMO

The [partner] must respect one's decisions to [family] plan because there are men who are *machistas* that do not like if one [family] plans and prefers if she is always pregnant, having child after child.

Community-level programs to address barriers to receiving adequate SRH care:



MAIN FINDINGS

**PERCEPTIONS AND
OPINIONS OF VIOLENCE
AGAINST WOMEN**

VIOLENCE AGAINST WOMEN

- Defined as: “a manifestation of the historically unequal power relations between women and men”
- In Nicaragua:
 - 50% of women reported having experienced one of the following three types of violence: verbal/psychological, physical, or sexual
 - 29.3% of women reported experiencing both physical and sexual violence at least once
 - 10.4% reported experiencing all three types of violence
 - **IN TOTAL: 89.7% of Nicaraguan women have experienced some form of VAW during their lifetime**

LAW 779

- In 2012, the National Assembly approved the The Comprehensive Law Against Violence Against Women
 - Commonly referred to as “Law 779”
 - Purpose: To eradicate VAW in all social spheres in Nicaragua, both public and private
- Proposed by a coalition of 14 feminist groups with 30,000 signatures of support
- Directly quotes international human rights documents
 - CEDAW, CRC, CRPD, Belém do Para Convention, etc.
- Defines types of VAW and provides sentence lengths

VAW + FEMICIDE

The opinion of the men now is that they prefer to kill the woman instead of hitting her because although they will go to jail for hitting her, they will also go to jail for killing her, so they say "It is better if I kill her." That is the opinion of the men now, young and old. I say it is awful how lost the men are because those are their thoughts now, that is better to kill the woman... This began because of Law 779. The law started it.

MODEL PROTOCOL

- Released by UN Women in 2014
 - End impunity for femicide across Latin America
 - Purpose: Improve investigation and reporting of femicides in Latin America
- Of the 25 countries with the highest femicide rates, more than half are in the Americas
- Significant underreporting makes data unreliable
 - Improved reporting → reliable data → effective public health programming??

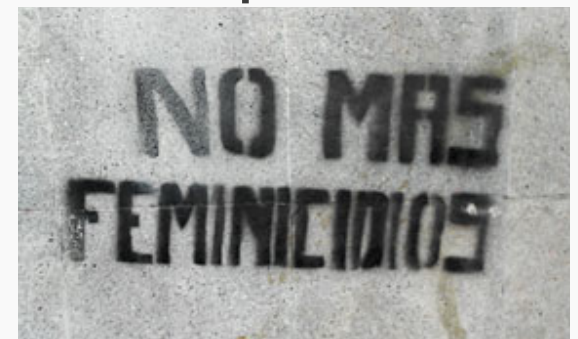


Photo: Denis Bocquet

MAIN FINDINGS

Women perceive femicide
has become more
common since Law 779

Law 779
may be
ineffective

Poor quality
national
data

Gender
inequality +
machismo

Q&A / DISCUSSION

ABORTION IN NICARAGUA

THE TOTAL BAN

- 2006: National law to criminalize therapeutic abortion in all circumstances
 - Included cases of rape, incest, fetal anomaly, and danger to the life of the woman
- Strongly support by the Catholic Church
- Harsh penalties for the women who obtain abortions and providers that perform them
 - 'Chilling effect' on health care providers
 - Complications from unsafe abortion contribute highly to the country's maternal mortality ratio

■ *El niño no tiene culpa*

But the child is not to blame for what the father, the man, did to the woman. In this situation one has to start thinking that the child is not at fault, and she must have it because, either way, the child comes from her belly, her womb, and she has to have it, accept it.



■ The total ban on abortion

But I say you should not abort because one must fight for her children because our parents fought for us... So I agree with the law and at the same time, I don't, you know?

OPINIONS ABOUT ABORTION

Women
were
neither
completely
for nor
against the
total ban on
abortion.

IN-DEPTH INTERVIEWS

- One-on-one basis
- Women ages 16-23
- Inclusion criteria
 - Experienced an unintended pregnancy
- Main topics:
 - Pregnancy history
 - Medical attention during pregnancy & labor
 - Circumstances surrounding the unintended pregnancy
 - Experience with abortion



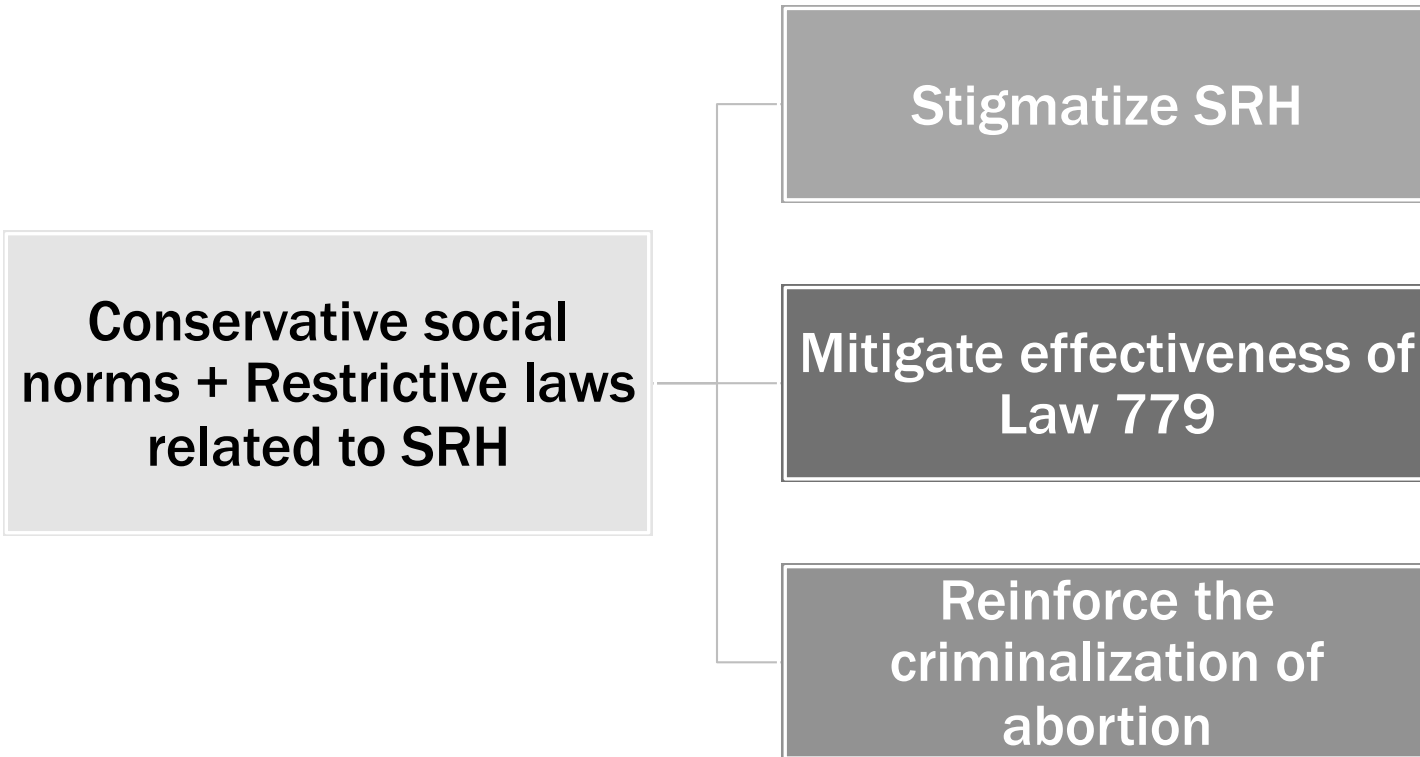
WHO ARE THEY?

- All 10 have only been pregnant once
- 6 are single mothers
- 6 identified as Evangelical Christian
- 5 had gotten pregnant between ages 14-17
- 5 are currently in school
- 4 mentioned considering an unsafe abortion
- 2 are employed outside the home
- 2 became pregnant from nonconsensual sex
- 1 received an unsafe abortion
- 0 said they wanted more children right now

ANA MARIA

- 19 years old
- Finished one year of university
 - Can't afford to continue
- Raped by her godfather
 - He is married with kids
- Became pregnant
 - Scared into silence
- Forced to get an unsafe abortion
 - Cost: US\$120
- Became septic
- Received medical attention “in secret”
- Now has dreams of finding work to save money for university

MAIN FINDINGS



We call for:

- Comprehensive sexual education
- The adequate enforcement of Law 779
- Decriminalization of abortion

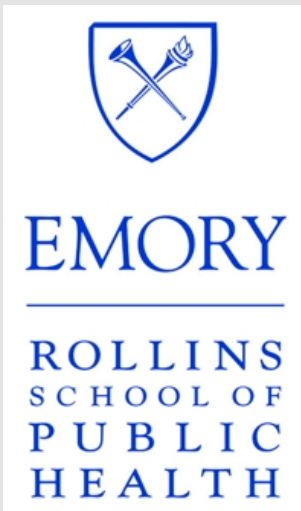
Q&A / DISCUSSION

MOVING FORWARD

- Brazil grant – examine similar topics based on similar circumstances:
 - So-called “culture of violence”
 - Recent VAW-related policy that is similar to Law 779
 - Machismo/gender inequality
 - Public health system – main source of healthcare



¡Mil Gracias!



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GEMMA Fund

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