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Forced Pregnancy and Gender Based Violence in Latin America

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The Regional Systems section follows the decisions and conclusions of both the Inter-American Commission for Human Rights and the Inter-American Court of Human Rights. The following articles examine some of the issues that the Inter-American Commission addressed at its most recent hearings.

FORCED PREGNANCY AND GENDER BASED VIOLENCE IN LATIN AMERICA

*by Miranda Carnes**

Under international human rights law, women and girls have a right to equality, life, non-discrimination, and a life free from sexual violence.¹ In particular, the American Convention on Human Rights guarantees the right to life, the right to humane treatment, and the right to equal protection under the law.² Additionally, because teenage girls are children, they require a heightened level of protection from their government and the international legal framework.

On October 8, 2020, civil society organizations from the Latin American region discussed *Sexual Violence, Forced Pregnancy, and Access to Health Services during the COVID-19 Pandemic*.³ The organizations represented the rights of women in Peru, Ecuador, Guatemala, Colombia, Nicaragua, El Salvador, and Latin America, in general. In their opening remarks, the civil society organizations highlighted the dire situation of young girls in the Latin American region, noting that Latin America is the only region in the world where pregnancies of girls under fourteen

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¹ IACHR, *Violence and Discrimination against Women and Girls*, ¶ 1, OAS/Ser.L/V/II Doc 233 (November 2019).

² See American Convention on Human Rights “Pact of San Jose, Costa Rica”, Nov. 22, 1969 S. Treaty Doc. No. 95-21; 1144 U.N.T.S.123; O.A.S.T.S. No. 36; 9 I.L.M. 99 (1970) at art. 4,5,6.

³ *Sexual violence forced pregnancy and access to health services in the context of the COVID-19 pandemic*, 177 Session Period Public Hearings, IACHR (October 8, 2020).

continue to increase. In fact, every day five girls are forced to become pregnant. These staggering statistics have serious implications for girls in Latin America, resulting in higher rates of suicide in young girls who are victims of forced pregnancy. With the COVID-19 pandemic, cases of sexual violence and forced pregnancy have increased during lockdown and quarantine procedures. Additionally, without the normal freedom of movement, women struggle to access emergency abortions or adequate OB-GYN care. The pandemic has also undoubtedly exacerbated accounts of gender-based violence and sexual violence in Latin America.

Without the added pressures of the COVID-19 pandemic, women face symptomatic discrimination in Latin America. Like many women around the world, Latin American women lack equal pay in completing the same work as their male counterparts.⁴ Because of prevailing gender stereotypes, Latin American women also suffer from unequal access to work opportunities. Even worse, women in Latin America are more likely to experience sexual harassment in the workplace.⁵ These harsh inequalities stem from the prevalence of strict gender roles in the region. Additionally, within the context of the COVID-19 pandemic, gender inequalities are exacerbated as women face additional barriers to accessing proper health and reproductive services. While many of these challenges are not unique to women in the Latin American region, Latin American women face a particular challenge at the hands of their governments. Many Latin American countries do not adequately address and condemn discrimination in their Constitutions and legal frameworks.⁶ As a result, women and girls struggle to receive support in situations of discrimination and gender-based violence.

⁴ Rosanlega Bando, *Evidence-based gender equality policy and pay in Latin America and the Caribbean: progress and challenges*, LAT. AM. ECON. REV. 28, 10 (2019) <https://latinaer.springeropen.com/articles/10.1186/s40503-019-0075-3#citeas>.

⁵ *Bullying and sexual harassment in the working and educative environments. Violence against women made invisible*, GENDER EQUALITY OBSERVATORY LATIN AMERICA AND THE CARIBBEAN (2016) https://oig.cepal.org/sites/default/files/note_21_sexual_harassment.pdf.

⁶ IACHR, *Violence and Discrimination against Women and Girls*, ¶ 96, OAS/Ser.L/V/II Doc 233 (November 2019).

In order to combat increasing rates of forced pregnancy and sexual violence in Latin America, the civil society organizations presenting at the IACHR hearing made several suggestions for Latin American countries. One important aspect of the treatment of women and children in a society is the society's education. Several representatives mentioned the importance of awareness campaigns and education programs in schools. Both of these recommendations are critical to decreasing the rates of forced pregnancy in teenage girls. Awareness campaigns are important in changing the mentality of perpetrators that will likely cause forced pregnancies, as well as changing the mentality of bystanders who will be more willing to intervene. Addressing the topic of forced pregnancy in a school setting is also advantageous because children are the most vulnerable in situations of forced pregnancy. Consent education and sexual health education are critical to children's wellbeing and will help change the prevailing gender stereotypes and culture in younger generations. Additionally, sexual and reproductive health education will help young women know their worth, know how to get help, and know what they can do in a situation of forced pregnancy.

Furthermore, the civil society organizations suggested that the Ministry of Health in each country address the psychological effects of sexual violence and forced pregnancy, and the link between sexual violence and suicide in young women. By adopting a constitution that recognizes this link, each country will give young women the necessary legal recourse and support to overcome their trauma by recognizing the devastating toll of forced pregnancy on a girl under the age of fourteen. In addition to recognizing this link and understanding young women's psychological trauma, Latin American countries also need to provide better access to healthcare. Young women in rural areas, for example, need more convenient access to emergency abortions for their safety and wellbeing. Without a combination of psychological and physical support, Latin American countries are failing their young women.

Ultimately, the situation of forced pregnancy and sexual violence in Latin America is disastrous for young women in the region. Latin American countries need

to continue to tackle gender stereotypes and structural discrimination in order to support this vulnerable population.

GENDER VIOLENCE AND THE HUMAN RIGHTS OF WOMEN IN CUBA

*by Leila Hamouie**

Representatives from Red Defensora de los Asuntos de La Mujer (REDAMU), Cuba Independiente y Democrática (CID), and Juventud Activa Cuba Unida (JACU) explained that gender-based violence in Cuba is a product of a *macho* society based on gender stereotypes, unreliable government reporting, and a lack of independent reporting and civil society organizations.¹

The main cases of gender-based violence (“GBV”) in Cuba fell into five general categories: femicide, obstetric violence, domestic violence, sexual harassment, and violence against female human rights defenders at the hands of the Cuban authorities. The speakers emphasized that the COVID-19 pandemic has exacerbated incidents of domestic violence, as many women are trapped in isolation with their abusers.

A representative from REDAMU and CID urged the Cuban government to collect official data on GBV, to enforce arrests and imprisonment of sexual and domestic abusers, to provide training on GBV for law enforcement and health personnel, and to desist arbitrary arrests and harassment of human rights defenders. Finally, the President of the Inter-American Commission on Human Rights (IAHCR) recommended

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¹ *Gender violence and women's human rights in Cuba*, 177 Session Period Public Hearings, IACHR (October 1, 2020).