

Human Rights

**I am 10 Year Old
from Paraguay and I
am Expecting**

Women's Reproductive
Rights In Paraguay

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A 10 year old girl is supposed to be enjoying her childhood and youth. Unfortunately, that is not the case of a 10 year-old pregnant girl from Paraguay. The story captured the hearts and the souls of millions around the world when the story first broke. It all started when the girl was complaining of pain in her stomach. Her mother took her to the doctor just to find out that her daughter is 21 week pregnant by her step-father. What is appalling about this story is that the Paraguayan government denies abortion for this girl. Her story is one of thousands stories that happen daily in Paraguay. The story of the 10-year old raises attention towards human rights violations women in Paraguay face as their reproductive rights are denied.

The Executive Summary

Women's reproductive rights in Latin America have always been a challenge. The fact that most Latin American countries are Catholic, they use religion as a base in the determination of women's health issues. For instance, abortion is banned in most countries with an exception of few such as, Mexico and Cuba. These limitations on Women's reproductive rights have turned into human rights violations. In particular, they lead to women seeking illegal abortion that cause either their death or complications that require hospitalization and medical attention. Latin America is the leading country in illegal abortions in the world. (Human Rights Watch, 1).

One of the most controversial countries in this aspect is Paraguay. Just a few months ago, a 10- year old Paraguayan was impregnated by her step-father. The Paraguayan authorities refused to allow the girl to have an abortion because the Paraguayan law prohibits abortion, except if the pregnancy represents a life-threatening risk to the woman. This case

was the final straw in regards to human rights violations specifically women's reproductive rights in Latin America.

Even though there was a huge deal of International Organizations and Paraguayan Non-Governmental Organizations interfering through pressuring the Paraguayan government to allow the 10-year old to have an abortion, the abortion still has not been allowed. Indeed, the request was faced by a flat out refusal. The Paraguayan government insisted that the girl's health is in a good condition and she has been treated in the Red Cross Hospital in the Capitol Asuncion. Now the 10-year old is in her last few weeks to giving birth via cesarean.

Mexico can be perceived as a model for Paraguay in legalizing abortion. Even though Mexico is a Latin Catholic country, it succeeded in preserving women's reproductive rights through legalizing abortion and offering free services for women in most cities. The law was passed in 2007, and women's organizations are still working on making the services available to all the cities, especially the ones located in far areas with a limited income. (Booth, 2015). Mexico can be a great model for Latin American countries to follow to legalize abortion, especially the Paraguay.

Historical background:

Women's reproductive rights have always been controversial in Latin American countries. In countries like Chile, El Salvador, Dominican Republic, Honduras, Nicaragua, Suriname, Haiti, and the Dominican Republic, abortion is illegal, with no exceptions. Women who terminate their pregnancies can be jailed for many years. In most Latin American countries, like Paraguay the exceptions for abortion only provided if the woman's life is endangered. Women face a huge deal of obstacles to practice their freedom over their bodies. (Amnesty International 2015 Report, 19). According to Human Rights Watch, many women

have a hard time to gain autonomy over their bodies even with their spouses or intimate partners (Human Rights Watch, 2). For instance, some women are subject to rape by their own husbands; others are raped by strangers and are forced to keep the pregnancies. The restrictions that some Latin American countries put on abortion help escalate the clandestine and unsafe ways of having an abortion which leads to high rates of maternal mortality.

In some Latin American countries such as El Salvador, the government is even working on toughening and eliminating the waiver in certain circumstances related to health risks if the woman does not have an abortion. These restrictions open a wide door to illegal abortion which causes high rates of maternal mortality. Not only is the abortion illegal in most of Latin American countries, but also there is restrictive access to information on contraceptives and reproductive issues. (Human Rights Watch, 2)

According to the Guttmacher Institute, a sexual and reproductive health organization based in the United States, Latin America has the highest abortions rate in the world at 32 abortions per 1,000 women. An estimated 95% of those abortions are unsafe, resulting in the deaths of more than 1,000 women a year and the hospitalization of more than 1 million due to complications from the clandestine procedures. Also, it costs the government lot of resources to care for those who had complications during their unsafe abortions. (Global Post, 2015).

The Paraguayan government is no stranger to restrictions and limits on women's reproductive rights. According to the UN Country Report of Paraguay Abortion Laws, the Paraguayan Penal Code of November 1997 prohibits the performance of abortions. This law also criminalizes anyone who commits the act of abortion. If a woman herself engaged in the act or consented to abortion, then she is subject from fifteen to thirty months of imprisonment. In addition, if abortion is performed without the consent of the woman, then the penalty is two to five years in jail. In addition, if the abortion causes the death of the

woman, then the penalty can be four to six years in jail, and if the woman consented, then the imprisonment is five to ten years. The penalties increase by 50 percent if the husband or a health provider is the one performing the abortion. Moreover, if a woman caused her own abortion for the purpose to preserve her dignity and honor, then she will spend six to twelve months in prison. Furthermore, the penalty of the person who performs the abortion is decreased by one half if the abortion was performed to preserve the dignity and honor of a spouse, daughter, or a sister. (UN, Paraguay Abortion Laws).

Since Paraguay is a catholic country its penal code is very strict. Women in Paraguay have no say when it comes to their reproductive rights, and that itself is a violation of human rights; their right for self-determination and right to life. Indeed, the Paraguayan government makes the exception and allow abortion if it represents a high risk for the woman. In Amnesty International's report of 2015 on Paraguay, it states that abortion remains criminalized in most circumstances including the cases where pregnancy was a result of rape or where the fetus would be unable to survive outside the womb. Indeed, the code explicitly allows abortion when the pregnant woman's health is at risk. (Amnesty International, 2015).

In the midst of all these restrictions, illegal abortion takes over and becomes the only refuge for Paraguayan women. According to the UN report of Paraguay Abortion Laws, it is estimated approximately 26,000 illegal abortions are performed annually in Paraguay. In addition, 35 percent of Paraguayan women have had an abortion at least once. The maternal mortality rate was 300 deaths per 100,000 lives in the 1980s and 1990s. These abortions were not performed by health professionals or in hospitals. They were performed in traditional settings where they resulted in the death of the pregnant woman or a severe health condition most of the times heavy bleeding that required hospitalization. (UN, Paraguay Abortion Laws).

The harsh limitations and restrictions Paraguay has on women's reproductive rights have been implemented for decades. Even family planning services were illegal till the 1980s and 1990s when the shift to family planning services occurred. In the UN country report on Paraguay Abortion Laws, it is stated that: "the use of contraceptives increased from an estimated 35 percent in 1990 to 41 percent in 1995/1996, and that the national family planning association was a major player in educating Paraguayans on family planning via campaigns on the radio and on television program." The Paraguayan government efforts in formulating new policies related with women's reproductive rights are still mediocre even though the government established a National Council for Reproductive Health in 1994. (UN, Paraguay Abortion Laws). The failures of these policies are evident in the way the Paraguayan government handled the case of the 10 year-old.

Case Analysis

The story of a 10-year old Paraguayan pregnant girl: Form an innocent 10-year old child to a mother-to- be

On April 21st, 2015 the story of a 10-year old girl impregnated by her step father broke on the internet. It drew international attention. According to the victim's mother in an interview with CNN en Español, she states that the case goes back to November of 2013 when she reported that her daughter has been sexually abused by her step-father. At the time, prosecutors dismissed the case and sent the mother to a psychiatrist. The mother states: "I asked for this a long time ago, two years ago, and they never listened to me. I'm now asking that justice be done. I leave justice in their hands so that this never happens again." (CNN en Español). This case unfortunately is not unique in Paraguay. It is very common. According

to UNICEF child protection officer Andrea Cid she states: "In Paraguay, every day two girls between the ages of 10 and 14 give birth. These cases are a consequence of sexual abuse, and in most situations, repeated sexual abuse from which the victims have not received timely, appropriate protection," UNICEF child protection officer Andrea (CNN en Español).

The story of the girl started on April 21st, 2015 when the 10-year old was taken to the Trinidad Maternity and Children Hospital located in the capitol Asuncion. The girl was complaining of a stomach ache and was taken to the hospital since January of 2015, but it was after the examination on April 21 of 2015 that the doctor stated that the 10-year old is pregnant in her twenty-first week. The director of the hospital publicly announced that the girl's pregnancy is at high risk. However, the girl was taken then to the Red Cross hospital located also in the capitol Asuncion to have her pregnancy monitored. The victim's mother requested an abortion for her daughter on April 28, and the doctor who examined the girl stated that she is at high risk of complications. (Amnesty International, 2015). However, the Paraguayan government denied the request. The names of the victim and her mother remain anonymous due to the Paraguayan strict law that protects the victim's identity. The case of the girl became known as "Mainumby case". (The Guardian, 2015).

In a CNN en Español interview the Paraguayan Minister of Health, Antonio Barrios, confirmed that the girl is being treated and that her pregnancy does not represent a threat to her life; therefore, she is not eligible for an abortion. He adds: "There is no indication that the health of the (girl) is at risk ... therefore we are not, from any point of view, in favor of the termination of the pregnancy," Barrios said. Barrios stated that the girl, who has been transferred from a children's hospital to Asuncion's Red Cross Hospital, will be taken to a shelter where the state will oversee her prenatal care. "The Justice Department will determine later who will have custody of the mother and child after (the birth)," Barrios concluded.

(CNN, May 2015). A medical panel that includes health experts was created to assess the mental and physical health of the girl under the jurisdiction of the prosecutor in the city Luque (near the capitol) where the girl used to live with her mother and step-father.

In fact, the mother of the victim was arrested for neglect and compliance in her daughter's case, and she is undergoing investigations. Whereas, the step-father Gilberto Benitez Zarate accused of raping and impregnating the little girl was arrested on May 9, 2015, put in an isolated cell to protect him from inmates' attacks, and is also going under investigation even though he is denying the accusations and demanding DNA test. The fate of the 10-year old is to have the baby delivered via caesarean since the government refused to give the girl the option of an abortion and since she is in her seventh month of pregnancy now. (New York Post, 2015)

The mother of the girl stated after being released to CNN en Español that they have no alternative, but to wait for her daughter to give birth. She states: "There are no more options now, the mother said, other than waiting for the baby's birth and supporting her daughter. "We are going to wait for the baby to be born," she said. "And between my whole family, we are going to take care of her baby, so she can keep studying. ... Because nothing that happened to her was her fault." (CNN en Español, 2015).

The Reaction of the International Organizations and the Paraguayan Civil Organization to the 10-year old story

The story of the 10 year-old has sparked national debate over abortion in the Paraguay. According to The Guardian, a Paraguayan group staged a protest in Asunción calling on authorities to intervene under the slogan: "Together we can protect children from abuse." "The suspects of child rape should not get alternative measures to prison, but should

remain in jail during the investigation,” said Sebastián Martínez, one of the organizers of the march. (The Guardian May, 2015) In addition, rallies in Del Este City drew about 200 people in support of the 10-year old. The rallies were organized by Paraguayan Non-Governmental Organizations and took place after the story broke. (CBSNews, May 2015).

On April 29, 2015 Amnesty International issued a statement urging the Paraguayan government to assure abortion for the 10 year-old girl and give her the necessary medical attention. Guadalupe Marengo, Americas Deputy Director at Amnesty International states: “The physical and psychological impact of forcing this young girl to continue with an unwanted pregnancy is tantamount to torture. The Paraguayan authorities cannot sit idly by while this young rape-survivor is forced to endure more agony and torment,” (Amnesty International, 2015). The organization also urged people around the world to sign a petition that was available through their website to urge the Paraguayan government to stop human rights violations to life and health services for the little girl. In addition, the letters titled “an Urgent Action” that supporters have been sending to the Paraguayan Minister of Public Health and Welfare and the Attorney General calling on them to intervene to protect the girl and guarantee her human rights.” (Amnesty International, 2015). In addition to Amnesty International, AVAAZ the global online campaigning organization has collected half a million signatures from all over the world in a petition calling for the decriminalization of abortion for girls under the age of 15 years old.

Furthermore, The European Parliament came up with a resolution on the case of 10-year old pregnant girl in Paraguay titled European Parliament Resolution of June 11, 2015 on Paraguay: legal aspects related to child pregnancy. The resolution included several points. It includes the case of the 10-year old and the response of the Paraguayan government. The E.P. also adds that this case is not the first one; it is one of so many in Latin American countries

like Paraguay where religion is the grounds for denying abortion. E.P. resolution blames the Paraguayan government for dismissing Article 3 of the UN Convention on the Rights of the Child, and that the best interest of the child must always be a primary consideration in all actions concerning children, especially after the Paraguayan government's participation in the 59th session of the UN Commission on the Status of Women to promote access to basic human rights and sexual reproductive rights. The E.P. in the resolution expressed the concern about the high rate of child pregnancies in Paraguay and urged this later to meet the international obligations to protect human rights. Moreover, the resolution urged the Paraguayan government to investigate the rape case and condemn the perpetrator through raising the sentencing from 10 years to 30 years. (European Parliament Resolution, 2015)

The United Nations also issues a statement calling the Paraguayan government to protect the 10 year old life through granting an abortion. The UN also criticizes the Paraguayan government failure to response promptly to the case of 10-year old. Even the World Health Organization stated that the 10- year old body is not fully developed to carry a baby, and that the girl's health is in jeopardy.(Huffington Post, 2015). As a response to the UN's criticism Archbishop Monsignor Edmundo Valenzuela from Paraguay said to BBC Latin America that: "UN had distorted the image of Paraguay." Officials from the Paraguayan Foreign Ministry also issued a statement stating that the United Nations did not seek any official information about the case. (BBC Latin America and Caribbean, 2015).

Mexico as a Latin American Model for Abortion Policies

In 2007 the federal district of Mexico City passed a law that allows women to have abortion in the first trimester no matter what the circumstances. Abortion is now permitted in all 32 states if a woman becomes pregnant from rape and in 29 if the woman's life is at risk

according to the Guttenmacher Institute, 2008. (Spititoublog, 2013). Abortion services are provided free of charge in Mexico City for residents and at a fee for non-residents. Moreover, Mexico has made a promise to meet the United States Millennium Development Goals, especially goal 5 that promotes the improvement of maternal health, and as promised this goal should be met by 2015. (Booth, 2015). Prior to legalization of abortion in Mexico, Andrzej Kulczycki, in his article, “Abortion in Latin America: Changes in Practice, Growing Conflict, and Recent Policy Developments” states that prior to legalizing abortion in Mexico, abortion was illegal based on 1931 penal code; however, by mid-1970 more initiatives to open up debates about abortion in a broader aspect. Indeed, the initiatives regarding abortion were opposed by the state and the Catholic Church, but the fierce feminist group advocacy; in addition to the “favorable” social and political atmosphere, the change of legalizing abortion happened by 2007 and still in progress to make the services available to everyone in Mexico.(Kulczycki, 10).

Mexico’s abortion policy was criticized for being discriminatory in terms of the services provided that are not free of charge to non-residents of Mexico City, and that services are not provided throughout Mexico. This can be an issue for women with limited income to reach Mexico City to have an abortion done. However, Mexico is still a pioneer in improving women’s health through allowing abortion under any circumstances. Paraguay can follow on the footsteps of Mexican government, especially that the Mexican government grants abortion for women and girls pregnant as result of rape. The success of legalizing abortion was due to intense pressure from local Non-Governmental Organizations as well as International Organizations. These strategies will be helpful as well to pressure the Paraguayan government to legalize abortion. Indeed, what might explain the difficulty for Paraguay in pursuing the strategies of Mexico is the differences in the socio-economic, socio-

political, and religion between the two countries. What works for Mexico might not necessarily work for Paraguay. The success of Mexico was embodied in the political support of legalizing abortion.

Marie Stopes Mexico is a Clinic in Mexico that offers abortion services. The director Carla Eckhart sent an open message to the Paraguayan government to allow the 10-year old to have an abortion. She states: “Our message to them is this: if you don’t know what to do, let us help. Base your decision on what is best for this little girl and pay for her and her mother to come to Mexico. Your response to this girl’s plight will be heralded as intelligent and brave, and we can help her, just like we help others.” (The Guardian, May, 2015).

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