

Violence against women and reproductive rights Violencia contra las mujeres y derechos reproductivos

Victor R. Miranda Lara^a, Imelda Menchaca Armenta^b, Jessica Zaragoza Cortes^c, and Gilberto Luna Lugo^d

Abstract:

Violence is a social problem that affects the most vulnerable groups, such as pregnant women, affecting their reproductive rights. In Mexico to regulate these types of actions, some efforts have been made, considering the rights they have during pregnancy and when deciding to have an abortion, to be safe and without affecting their physical and emotional integrity. Nonetheless, there is still a lack of awareness among medical personnel and society in general to improve women's health conditions.

Keywords:

Violence, having an abortion, reproductive rights, bioethics

Resumen:

La violencia es un problema social que afecta a los grupos más vulnerables, como las mujeres en situación de embarazo, afectando sus derechos reproductivos. En México se han hecho esfuerzos por regular este tipo de acciones y se han promovido los derechos que tienen durante el embarazo y ante la decisión de realizar un aborto, con la intención de que este sea seguro y no afecte su integridad física y emocional. No obstante, aún falta sensibilización por parte del personal médico y de la sociedad en general para mejorar las condiciones de salud de las mujeres.

Palabras Clave:

Violencia, interrupción embarazo, derechos reproductivos, bioética

INTRODUCTION

Violence is as distant as human beings are; however, for current societies, it constitutes a highly objectionable behavior, especially if it is directed at women. While it is true that for decades different countries all over the world, have had the daunting challenge of creating laws and mechanisms that help to counter it, until today it has yet to be enough. Then, the following questions emerge: How to eradicate violence? How does it resurge? Is it characteristic of the human being?

In the occidental world, the role of women is still subordinated by the authority of men (2) either public opinion or the legislation of some countries. Besides the Arab countries in which worldview and the legal system approve of violence towards women, thus based on Choran, a man can “educate” to wife through reproach, abandonment, and physical violence (3)-; even if it is considered the fact that the woman might go to jail for not fulfilling with her “duties.”

For decades, and since different disciplines, the origin and the causes of violence have been discussed. According to Biology, violent behaviors are produced by genetics or environmental

^a Autor de Correspondencia, Servicios de Salud de Hidalgo | Coordinación de Investigación en Salud | Pachuca, Hidalgo | México, <https://orcid.org/0000-0001-7673-8384>, Email: mirandalaravictor@gmail.com

^b Servicios de Salud de Hidalgo | Coordinación de Investigación en Salud | Pachuca, Hidalgo | México, <https://orcid.org/0000-0003-3323-8587>, Email: imeldamenchaca@gmail.com

^c Servicios de Salud de Hidalgo | Coordinación de Investigación en Salud | Pachuca, Hidalgo | México, <https://orcid.org/0000-0002-0289-6037>, Email: jskzara@hotmail.com

^d Servicios de Salud de Hidalgo | Coordinación de Investigación en Salud | Pachuca, Hidalgo | México, <https://orcid.org/0000-0003-1001-8477>, Email: dr.riglick@gmail.com

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factors. Regarding social sciences, diverse theories and interpretations have arisen trying to explain them; nevertheless, various theories have serious biases or limitations.

Violence is seen as something natural, an instinctive reaction to which there is no way to chaverol it (4). According to some theories, to explain violence, it is crucial to know about phylogenetic development, which dates back to the earliest humans (5). Concerning others' focus on ontogenetic explanation, which is determined by biological factors characteristic of human beings, for instance, genetics, nervous and glandular systems (6, 7).

On the other side, some theories contemplate violence as something learned within the social context and the environment where it appears, promoting that people act violently on many occasions (8). Anthropological studies have revealed that violence is present in all cultures, even those that maintain a subculture in which individuals learn at an early age to solve violently their conflicts. Moreover, some explanations lead to the cultural processes in which religion, ideology, language, and art are used to justify and legitimize violence. Therefore, ethnocentrism and racism come to light to defend domination and inequality (9, 10).

To René Girard, a French philosopher and anthropologist, most civil and religious ceremonies have a violent origin. Since a symbolic sacrifice is made towards an object, animal, or human being, it achieves "preventing" society from generalized reciprocal violence. In this way, violence is ritualized and unifies individuals protecting them from their violence. On the other hand, in contemporary societies, revenge has been taken as a principle of the judicial system, the same as with the Talion Law, in which the principal basis is the punishment of violence (9).

Furthermore, all the actions made as human beings have a philosophical background (11), and when these violent behaviors occur, resulting in political and legal consequences. In the ancient times, Plato deemed human beings as twofold.

Not only constituted by a material, corruptible, sensible, and visible body but also as ideal, intelligible, and invisible. At the same time, we have a spiritual and deathless soul. Historically, it has established a distinction if the human being is good. Based on Rousseau, or if a person is evil, for Hobbles and Maquiavelo. Philosophers like Hsun Tzu, San Agustín, Hobbes, and Maquiavelo mentioned that humans are inadequate (12).

Authors such as Locke John, Hume David, Berkeley David, James William, and Brentano Franz claimed that we are born lacking in morality and that our parents and society are the ones who shape us. Both Ortega, Gasset, and Sartre argued that free

will, in other words, the decisions or elections determines the emergence of violent behaviors (12).

With Psychology, violent behavior is influenced by learned habits taken from the parents through negative reinforcement, generally between 2 and 6 years old. Aggressive behavior patterns can be observed in dairy interactions among parents, partners, and siblings. In the case of women who are mainly victims of family violence, emotional dependence is related directly to learned helplessness; the greater the first one, the stronger the level of helplessness (13).

Women's rights, pregnancy and abortion.

Varied regulations, treaties, and laws have been organized to counter violence toward women at both national and international levels. Its main objective is to visualize, regulate, and sanction violence and mistreatment suffered, as well as women's rights to decide freely about their bodies and pregnancies.

To an international level, the following treaties about Human Rights have been considered, for example, the American Convention on Human Rights, held in San Jose, Costa Rica, in 1969 (14); the Inter-American Convention on the Prevention, Punishment, and Eradication of Violence Against Women "Belem Do Para", in 1994 (15); Convention on the Elimination of All Forms of Discrimination Against Women (CEDAW), in 1981 (16).

In 1989, it was implemented the Convention on the Rights of the Child, followed in 1994 by the International Convention on Population and Development (Cairo) to boost sexual and reproductive rights (17), and the Agenda 2030 for Sustainable Development in the coming years (18).

In 1992, the Committee on the Elimination of Discrimination Against Women (CEDAW) declared that violence toward women was a way of gender discrimination. A year later, during the II World Conference on Rights in Vienna, it was stated as a violation of human rights. Finally, in 1994, violence was seen as a Public Health problem (19).

Article 1 from the Political Constitution of the United Mexican States finds that "each person will enjoy the human rights recognized in this constitution and the international treaties the Mexican state is part of". Article 4 states that "each person has the right to decide the number and spacing of their children in a released, responsible, and informed way" (20).

The General Law on Women's Access to a Life Free of Violence, Article 18 mentions that institutional violence is any act or omission of public workers in which they discriminate or use gender stereotypes to delay or impede the enjoyment or

exercise of women's human rights. Additionally, public policies intended to prevent, serve, research, sanction, and eradicate the different types of violence. Although the acknowledgment of the types and terms of acts of violence have had prime advances, they have not been collected yet by the legislation (21).

As regards obstetric violence is all behavior or omission by the health personnel having as a consequence the loss of autonomy and the woman's capacity to freely decide about her labor and sexuality due to malpractice or dehumanized medical attention during pregnancy, labor, or puerperium which can damage, hurt or denigrate women of any age causing physical, psychological, or moral affectation or even provoking loss of women's lives or indeed the gestational product or newborn loss resulting from the performance of medical services.

The General Law on Victims determines that the Voluntary Interruption of Pregnancy (VIP) is a right that victims who suffer from rapping have. In this sense, a medical urgency needs to be attended to soon. Further balancing, evaluating, and treating the victims' physical injuries, thus avoiding possible complications. It also carries out a reparation of damages, promoting emotional stability through psychological attention.

Moreover, considering victims' good faith, public personnel must not either criminalize any victim or hold her responsible for the situation. On the contrary, they must provide all the possible help respecting their decisions and enabling the effective exercise of their rights (23).

Referring to the General Law on the Rights of Girls, Boys, and Teenagers seeks to share actions for procurement, protection, and right to defense offering sexual and reproductive education (24).

Similarly, the NOM-047-SSA2-2015 states that counseling and specialized services must be given to the units of the second and third levels for the health care of the age group from 10 to 19 years old. The VIP must provide attention to all the victims of crimes of sexual nature such as rape, statutory rape, statutory rape, pederasty, sexual abuse, or incest (25). In Hidalgo, the Hidalgo Institute of Women and the National System for the Protection of Children and Adolescents (NSPCA) provide specific guidance to pregnant women during the interruption of pregnancy.

As stated by the data from the National Institute of Statistics and Geography (NISG), in Mexico, 66.1% of women have been victims of emotional, economic, physical, sexual, or discrimination violence throughout their lives (26). At the world level from 8 to 12% of risky pregnancies end in a miscarriage.

Corresponding to WHO, and as a response to public politics, the Legal Termination of Pregnancy (LTP) has been implemented

for the first time in the Criminal Code and the Federal District Health Law (FD) in 2007 in Mexico, which allows the termination of pregnancy before 22 weeks of gestation or when the product of gestation weighs less than 500 grams. This law has expanded to more states of the Mexican Republic, such as Mexico City, Oaxaca, Hidalgo, Veracruz, Colima, Baja California, Guerrero, and Baja California Sur. For example, in Sinaloa, it is possible to perform an abortion until 13 weeks of gestation.

Particularly in the Hidalgo State, abortion has been decriminalized and legalized since June 2021. As a result, any pregnant woman can ask for it until 12 weeks due to the following causes: rape, recklessness, danger to death, damage to health, alterations to the product of gestation improper assisted fertilization.

In the words of the General Law on Victims, in this context, it is relevant to mention that the existence of institutional violence referred to as the acts or omissions of the public workers in any government order that discriminate or have as purpose to delay, hinder or impede the enjoyment and exercise of women's human rights. Due to this, from 2020 to 2024, (SPS) a specific program of sexual and reproductive health was recently created, whose objective is to address the pregnancy of adolescents, contraception, maternal and perinatal health, gender and sexual violence, and safe abortion.

In addition, non-governmental organizations represent a principal ally in monitoring the reproductive rights of pregnant women, among them the Information Group on Reproduction of Choice (IGRC) and IPAS. IPAS is a not-for-profit organization that tries to ensure that all women and people able to gestate can choose about their reproduction in national territory.

Among the activities done, we can find various training workshops for medical personnel about labor and delivery-friendly care, reproductive rights, the termination of pregnancy as well as performing safe abortion (27). Based on GIRE, a feminist organization with global representation with more than 30 years of observing the correct implementation of reproductive rights of pregnant women, maternal death, assisted reproduction, and public legislation (28).

Even though the concept of the "conscientious objector" exists, it is evident that the lack of pieces of training for the health personnel involved in addressing the legal context of LTP and VIP is suited to improving the attention given to pregnant women. It is necessary to notice the lack of support from the hospital personnel to provide attention to patient requests about LTP and VIP seen as obstetric violence.

FINAL CONCLUSIONS

To conclude, as occurs in other minority groups that are part of society, women have been subjected to their time only to benefit those who have power, having complex consequences for their physical and emotional health. As a consequence, it is valid and necessary to participate in feminist movements, which have had a long history of profound successes in diverse areas. They have achieved meaningful empowerment, resilience, and solidarity among women.

A violentometro is a resource that has had a favorable impact in due time. This graphic material is used to identify the distinct expressions of hidden acts of violence to report them. Concerning pregnancies, contraceptive use is a politics of reducing damages, even though it is not enough since it does not solve the structural problems.

There is still too much to do, so the results are not satisfactory. With health, it is necessary and imperative to encourage a culture of nonviolence against women, make visible pregnancy, and stem violence to obstetrician violence. Furthermore, actions that allow the possibility of frank and constructive openness to dialogue and the creation of more solid institutional policies. Because of the fact of eradicating violence, male chauvinism, social inequality, poverty, marginalization, lack of access to educational services and human rights, violation, that as a whole attack against women.

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