

'Take Your Rosaries Out of Our Ovaries:' Women's Rights in Argentina and Bolivia

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Abstract

Despite being neighbouring countries, Bolivia and Argentina appear to be a world apart in terms of economics, international relations, and women's rights. Historically, women's rights have been fairly similar in both countries, but while one country seemingly made "progress," the other country appeared to be stagnating. By exploring violence against women, and the current state of contraception and abortion laws it becomes apparent that "progress" does not necessarily bring about social change.

In the developed world, it is easy for women to take their rights for granted. A woman's gender does not prohibit her from voting or getting an education, nor does the government presume to tell her how to treat her own body, but this is not the case for women worldwide. In some Middle Eastern countries women still do not have the vote and violence against women, in the developing world, often unpunished. The process for change has been slow and tedious. In Latin America, women's rights have been hindered by a strong Catholic presence, unstable governments, and socially constructed gender norms that have proven to be closely guarded by both men and

women (*machismo*). Sporting the sixth highest proportion of elected female representatives in the lower house of government (41.6 percent), Argentina outwardly appears to have achieved gender equality that rivals the developed world.¹ Typically there is a correlation between the number of women in government and social policies; ironically this trend has not occurred in Argentina. It is estimated that 4.5 million women a year will suffer some sort of gender violence.² Within the past few years gender violence and contraception methods have become hot topics, but the Argentine government has made few changes and has proven fastidious on maintaining the criminalization of abortion. In Bolivia the cases of gender violence are also high, but the current government has taken women's rights very seriously and, contrary to Argentina, they are open to change. By focusing on violence against women, and the current state of contraception and abortion laws, this paper aims to explore the state of women's rights in Argentina and Bolivia.

The semantics surrounding the women's movement in Argentina and Bolivia should be noted before further exploring this topic. As Melissa Crane Draper (assistant director of the Democracy Center) points out, "*feminism* is marked as a bad word."³ Women in

Bolivia (and in Argentina, but to a lesser extent) do not tend to refer to their movement (much less themselves) as feminist. The word holds a negative connotation and Latin American women associate it with the West and local elites who use the word to further their own cause.⁴ For the purpose of this paper, the term will not be used to refer to the change enacted by women, for women; instead terms such as, *the women's rights movement*, will be employed. A second term that should be defined is *machismo*. *Machismo* is increasingly hard to characterize and its history is even more vague, but in a general sense it refers to the "belief that men are inherently superior to women."⁵ This pervasive ideology is often blamed for the state of gender/power relations in Latin America today, and it has been a stumbling block for many of the women's movements (a topic further explored below). Lastly, gender violence, for the purpose of this paper, will include both emotional (bullying and shaming for example) and physical violence (such as rape and beating).

It is important to lay out the history of the women's movement before exploring where it stands today. Under the Argentine Civil Code, written in 1870, women were denied political rights, treated as male

minors or mentally defective men, and had no legal parental right to their children.⁶ The government rationalized this “by the presumption that when a woman married, she suffered what jurists called a *capitis diminutio*, that is, a diminution of her mental capacity.”⁷ In an effort to enact change, a small women’s group, The Association of University Women, was formed in Buenos Aires in 1902.⁸ They called for a reform of the Civil Code to better women’s education, treatment in the work place and the home, but they were split on issues of suffrage and civil liberties.⁹ Either way, these groups failed to enact sweeping change and it was not until 1951 that women were able to participate in the national election.¹⁰

The greatest change to women’s rights in Argentina came with the rise of Peronism and particularly Evita Perón in the 1940s and early 1950s. Many scholars, such as Marysa Navarro (a professor of History at Dartmouth), argue that Evita is given too much credit when it comes to the suffrage movement. They often point out that she “declared her contempt for the feminists, whom she described as women who resented not being born men.”¹¹ During the years of the dictatorship (1960s-1973), women’s rights movements were completely silenced.¹² When Perón

returned to power in 1973 women started to take action again, but, without Evita (who had died in 1952), they found that their manifesto fell on deaf ears.¹³ In fact, in 1974 women saw a retrenchment of their rights, as Perón “put an end to all family planning units in public hospitals, and forbade the promotion and sale of birth control devices.”¹⁴ During the military repression, between 1976 and 1983, women were once again silenced, excluding the *Madres de la Plaza de Mayo* who capitalized on their gender status and role as mothers to draw attention to the thousands who had disappeared during the dirty war.¹⁵ Since the dictatorship *patria potestad* was changed, the sale of birth control was made legal, and in 1991 sexual harassment was made a punishable crime and quota laws were introduced (which mandated that all political parties give 30 percent of their seats to female candidates).¹⁶

Much like Argentina, the Bolivian Civil Code of 1830 “stated that by law women had to obey their husbands, had to follow their husbands wherever they chose to reside, and had no legal protection if their husbands applied ‘moderate domestic punishment’ when marital problems required it.”¹⁷ Substantial changes to the civil code were not achieved until 1976 when citizens were granted personal liberty and

family laws were changed to the advantage of women.¹⁸ In 1980 Bolivia signed the United Nations' Convention on the Enlightenment of All Forms of Discrimination Against Women (CEDAW) (also signed by Argentina in 1988) which aims to better women's lives by improving everything from women's access to health education, to changing customs that limit women's rights.¹⁹ Since then, Bolivia has been actively trying to meet the goals of the CEDAW. For example, Bolivia enacted education reforms in 1994 which "promoted free, universal, and mandatory education based on equal opportunity and gender equality," and created the Law of Popular Participation (LPP) in the same year, which aimed to increase the number of women in local government.²⁰ Scholars criticize many such laws enacted in the 1990s (in particular the two noted above) because over ten years later it appears that they have enacted little change.²¹ For example, the LPP did nothing to breakdown pre-existing gender issues that had hindered women from entering government in the first place (lack of childcare for instance) and, in Bolivia, "the rate of female school attendance is one of the lowest on the continent."²²

Throughout both these movements, violence against women has been a large problem. It has only been relatively recently that either country has taken the

issue seriously and aimed to combat it at the national level by producing laws that explicitly address the problem. In fact, in March 2009 Argentina approved what critics are calling the country's "bold new law on violence against women."²³ For many it has been a long time coming, but people wonder if the government will be able to enforce the new law. It "guarantees access to justice by providing for free legal assistance and expedited legal proceedings, ensures comprehensive assistance for the victims, and makes a commitment to tear down socio-cultural patterns that foment gender violence."²⁴ The law also aims to fight deep-set gender power relations, such as *machismo*, by "condemning psychological violence that causes 'a loss of self-esteem and seeks to degrade women or control their actions by means of threats, harassment, bullying, manipulation, isolation, feelings of guilt, demands for obedience, excessive jealousy, ridicule, etc.'"²⁵ It is yet to be seen if the policy will enact visible change. This being said, in the last few years there have been changes to gender relationships in Argentina, which suggests that the country may be ready to embrace further change. For example, Neka (an Argentine woman who is a part of an unemployed women's movement) states that, before "it was assumed that the women in the relationship would wash dishes, or soak and serve,

and clean the clothes. But now there are changes in this, and we're more conscious of those sorts of dynamics. I believe we're taking steps forward."²⁶ It is positive to think that Neka's observation is a growing trend and, as explored below, these small steps are starting to spawn evidence of social change.

Bolivia wrapped its gender policies, to combat violence against women, into the December 1995 *Ley Contra Violencia Familiar* (law 1674).²⁷ It aimed to decrease domestic violence by making it easier for abused persons to accuse an attacker.²⁸ It also sought to increase the publicity of domestic violence and bring it into the public discourse.²⁹ For example, the government produced a string of pamphlets and radio announcement that "emphasize[d] that the rights of women and children against domestic violence are human rights."³⁰ Krista Van Vleet (an anthropologist at Bowdoin) found many faults with the law while exploring gender relations in rural Bolivia. She points out that the law puts too much emphasis on the power relationship between men and women, and thus overlooks other relationships, such as the one between mother-in-law and daughter-in-law.³¹ In rural Bolivia, made up of predominately indigenous communities, it is custom for women to cut ties with their family as they become part of their husband's

kin.³² Due to various economic situations, the newly married couple often move in with the husband's family and a female gender hierarchy is quickly created.³³ Van Vleet goes on to relay various instances of violence between these women (often inflicted by the mother-in-law on her daughter-in-law) and states that new polices should locate "conflict in a network of negotiated yet hierarchical relationships among kin, both violence and relatedness may be understood as extending beyond the walls of a single household, affecting and affected by wider relationships of power."³⁴ She notes that this gender hierarchy conflict is normalized by both the judicial system and the individuals involved because it is considered to be a legitimate form of violence.³⁵ The new wife/daughter-in-law is completely stranded because her new husband (who could stop the violence) sides with his mother, her biological family will not take her back and often sides with her new husband's family as well, and she has no economic means to leave her husband.³⁶

Secondly, Van Vleet also explores the commonalities between incidents of domestic violence. She finds that often drunkenness was blamed, and "both men and women normalize" the violence and claim it just happens when people get drunk.³⁷ Moreover,

drunkenness is not an adequate excuse for domestic violence in Bolivia but Van Vleet found that women would not accuse their husband of abuse if he has been drinking because, as they stated, “violence is custom when people are drunk.”³⁸ It should be added that, despite law 1674, the occurrences of domestic violence are still high; Draper estimates that seven out of ten women experience domestic violence and only eight percent of victims report the crime.³⁹ Lastly, this law does not account for marital rape that is both psychologically and physically violent and, unlike other forms of rape, does not tend to be a one-off occurrence.⁴⁰

Closely related to the topic of gendered violence are the issues of abortion and contraception. Violence becomes a “persistent barrier for women trying to access contraceptives and to control their bodies and reproductive health.”⁴¹ Issues of *machismo* and masculinity also start to become more evident here as well. Latin America, masculinity is measured by the number of times a man can get his wife pregnant. Marianne Mollmann (a writer for the NGO *Human Rights Watch*) also notes that “abusive men deliberately sabotage their wife’s or partner’s access to contraceptives as part of the control and abuse: ‘If he gets her pregnant constantly, there is less

possibility that she will leave.”⁴² The lack of resources available to women becomes another major stumbling block and policies in Argentina and Bolivia have yet to formally address this element. However, policies on reproductive health, and the social view of the issue, are developing differently in each country.

As of 2003, the government of Argentina started a national program on reproductive health.⁴³ Part of the program involved the free distribution of various types of contraception through the national healthcare system, but the program has not seen much success in large part due to misleading information.⁴⁴ Human Rights Watch reported that “doctors in the public health system actively discouraged them from using the contraceptives donated by the state, either by telling them that the contraceptives were not good quality, or by giving misinformation about some methods.”⁴⁵ For example, Paola Méndez (a thirty-five year old woman with ten children) went to a public health doctor and requested an intrauterine device (IUD) but she was told that it would not prevent pregnancies (although it is widely considered one of the most effective forms of contraception) and could harm further children.⁴⁶

Statistics show that abortion becomes the chosen

form of contraception, with 40 percent of all pregnancies being aborted, despite the fact that it is the leading cause of maternal mortality in Argentina.⁴⁷ Abortion is illegal in Argentina. The few exceptions to the rule (if the pregnancy is a danger to the women's health or in cases where a mentally disabled woman is raped) are very rarely upheld and the issue is still "largely a closed topic despite the catastrophic effects of illegal abortion on women's health and lives."⁴⁸ Illegal abortions come with such a high risk of death because they either occur in unsanitary and unregulated clinics, or are self-induced with knitting needles or anti-inflammatory drugs for example.⁴⁹ Despite the fact that the strongly Catholic Argentine society is still largely against the procedure, and the stigma attached to women who have them. For example, after having an abortion, women in desperate need of post-abortion care (because of infection or life-threatening complications) often do not seek help because of fear of being turned into the police.⁵⁰ Those who do seek help are either denied anaesthesia or the doctor refuses to treat them and they often die in a hospital bed.⁵¹ Some women's groups have started to demand change. In October 2006 a small group of women barricaded a church and chanted, "take your rosaries out of our ovaries" and 'we demand an end to the inquisition

against women.”⁵² Despite these movements Néstor Kirchner (Argentine president from 2003 to 2007) said it would never happen in his term and it is unlikely that his wife (Cristina Fernández de Kirchner, the current president of Argentina) will do any differently.
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In Bolivia, as of 1998, only 47.5 percent of women (of childbearing age) used any type of contraception, modern or traditional.⁵⁴ These figures are up from 1983 when only 23.6 percent of women were using contraception and it would be expected that the trend would continue after the December 2005 supreme decree that “mandates the provision of FP/RH [family planning/reproductive health] services to women who are not pregnant.”⁵⁵ It is not clear how much this decree has changed contraception use as of yet, but abortion rates are still high. One source estimates that 30,000 abortions are performed each year in Bolivia.⁵⁶ As in Argentina, abortion is illegal in Bolivia and even in cases of rape (where abortion is legal) it is nearly impossible to get a safe abortion. Despite this, women’s rights movements have been much more vocal about the legalization of abortion and it appears that the government is taking notice. In Bolivia’s new constitution (established early 2009) the right to life was not considered to start at conception.⁵⁷ This opens the door to the legalization

of abortion and groups are now pushing to finish the job. For instance, *Development of Peace* (a Canadian Catholic group) announced that it would be sending monetary aid to a pro-choice group in Bolivia.⁵⁸

On paper it appears that women's rights in Argentina are less advanced than those in Bolivia, but it is important to note that the rights in each country have developed differently. It can be argued that while women in Bolivia many have better protection of their rights within law, they are not always the best reflection of what women need nor are they well enforced. Bolivia has conformed to international pressure and granted women's rights that the country is not necessarily socially ready for. For example, (as noted above) law 1674 only looks at power relations between men and women and does not take into account indigenous community organization or issues of *machismo*. The same trend can be seen with the current push for abortion laws. For instance, a pro-choice group in Canada is a major funder of the movement. In contrast, women's rights movements in Argentina have been "grassroots" and their policies (while still not flawless) are a better reflection of popular demand. For example, Argentina's new law to combat violence against women will be hard to enforce, but it reflects changing gender norms in the

country. Furthermore, abortion is still considered socially unacceptable so it is not a topic of much discussion; small groups are making inroads but until the Argentine public is willing, abortion will not be legalized.

To better understand the state of women's rights in Argentina and Bolivia. Examining laws combating violence against women, and contraception and abortion policies helps social and gender issues are the major stumbling blocks and as long as women have unfair opportunities progress will be slow. Gender norms, in all sectors of society, have to be acknowledged and understood in order to produce and enforce laws that actually work in social practice. Ultimately the pressure for change has to be internally driven and can only be achieved if society is ready.

¹ Inter-Parliamentary Union, "World Classification," Women in National Parliaments, October, 2009, <http://www.ipu.org/wmn-e/classif.htm> (accessed October 28, 2009).

² Marcela Valente, "Argentina: Bold New Law on Violence Against Women," IPS Inter Press Service, 2009, <http://ipsnews.net/news.asp?idnews=46092> (accessed October 28, 2009).

³ Melissa C. Draper, "Workers, Leader, and Mothers: Bolivian Women in a Globalizing World," in *Dignity and Defiance: Stories from Bolivia's Challenge to Globalization*, Jim Shultz and Melissa C. Draper eds. (Berkeley, CA: University of California Press, 2008), 252.

⁴ Draper, "Workers, Leader, and Mothers," 252.

⁵ *Ibid.*, 214.

⁶ Marysa Navarro, "Argentina: The Long Road to Women's Rights," in *Women's Rights: A Global View*, edited by Lynn Walter (Westport, CT: Greenwood Press, 2001), 2.

⁷ Navarro, "The Long Road," 2.

⁸ *Ibid.*, 5.

⁹ Navarro, "The Long Road," 5.

¹⁰ *Ibid.*, 6.

¹¹ *Ibid.*, 8.

¹² *Ibid.*, 8.

¹³ *Ibid.*, 9.

¹⁴ *Ibid.*

¹⁵ *Ibid.*, 10-11.

¹⁶ *Ibid.*, 12-13.

¹⁷ Grazia V. Smeall, "Bolivia: Women's Rights, the International Women's Convention, and State Compliance," in *Women's Rights: A Global View*, Lynn Walter ed. (Westport, CT: Greenwood Press, 2001), 17.

¹⁸ Smeall, "Bolivia: Women's Rights," 17.

¹⁹ *Ibid.*, 17; Navarro, "The Long Road," 13.

²⁰ Smeall, "Bolivia: Women's Rights," 19; Suzanne Clisbey, "Gender mainstreaming or just more male-streaming? Experiences of popular participation in Bolivia," in *Mainstreaming Gender in Development: a Critical Review*, Fenella Porter and Caroline Sweetman eds. (Oxford: Oxfam GB, 2005), 23-24.

²¹ Clisbey, "Gender mainstreaming," 24; Smeall, "Bolivia: Women's Rights," 22.

²² Clisbey, "Gender mainstreaming," 28; Smeall, "Bolivia: Women's Rights," 22.

²³ Valente, "Bold New Law."

²⁴ *Ibid.*

²⁵ *Ibid.*

²⁶ Marina Sitrin, *Horizontalism: Voices of Popular Power in Argentina* (Oakland, CA: AK Press, 2006), 207.

²⁷ Krista E. Van Vleet, *Performing Kinship: Narrative, Gender and the Intimacies of Power In the Andes* (Austin, TX: University of Texas, 2008), 161

²⁸ Van Vleet, *Performing Kinship*, 161, 171.

²⁹ *Ibid.*

³⁰ *Ibid.*, 171.

³¹ *Ibid.*, 162.

³² *Ibid.*, 180-181.

³³ *Ibid.*, 181.

³⁴ *Ibid.*, 181.

³⁵ *Ibid.*, 181-182.

³⁶ *Ibid.*, 173-181.

³⁷ *Ibid.*, 162- 163.

³⁸ *Ibid.*, 168.

³⁹ Draper, "Workers, Leader, and Mothers," Canada, Statistics Canada, *Measuring Violence Against Women: Statistical Trend, 2006* (Catalogue no. 85-570XIE) (2006), 26.

⁴⁰ Marcela Valente, "Argentina: Bold New Law on Violence Against Women," IPS Inter Press Service, 2009, <http://ipsnews.net/news.asp?idnews=46092> (accessed October 28, 2009).

⁴¹ Marianne Mollmann, "Decisions Denied: Women's Access to Contraceptives and Abortion in Argentina," *Human Rights Watch*, B 17, no. 1 (2005), 22.

⁴² *Ibid.*, 22.

⁴³ *Ibid.*, 2.

⁴⁴ *Ibid.*, 2, 26

⁴⁵ *Ibid.*, 27.

⁴⁶ *Ibid.*; Katherine Treiman, Laurie Liskin, Adrienne Kols, and Ward Rinehart, "Population Reports," IUDs- An Update. Series B. No. 6, 2005. http://info.k4health.org/pr/b6/b6chap2_3.shtml (accessed December 2, 2009).

⁴⁷ Mollmann, "Decisions Denied," 2.

⁴⁸ *Ibid.*, 49, 14.

⁴⁹ Human Rights Watch, *Argentina: Limits on Birth Control Threaten Human Rights*, (June 2005), <http://www.hrw.org/en/news/2005/06/15/argentina-limits-birth-control-threaten-human-rights> (accessed October 28, 2009).

⁵⁰ Mollmann, "Decisions Denied," 57.

⁵¹ *Ibid.*, 59-61.

⁵² Marie Trigona, "Women in Argentina Demand Gender Equality and Reproductive Rights," *Upside Down World*, October 24, 2006, <http://upsidedownworld.org/main/content/view/469/32/> (accessed October 28, 2009).

⁵³ Diego Schurman, "Me Ofrecieron Millones para Frenar los Genéricos," *Página 12*, February 14, 2005, <http://www.pagina12.com.ar/diario/elpais/1-47334-2005-02-14.html> (accessed December 2, 2009).

⁵⁴ Family Planning Worldwide, "Date and Estimates of Contraceptive Use and Related Reproductive Health Indicators for the Countries and Regions of the World," Population Reference Bureau (2005), 5.

⁵⁵ Smeall, "Bolivia: Women's Rights," 23; U.S. Agency for International Development (USAID), "Contraceptive Security Committees: Their Role in Latin America and the Caribbean," US Aid-From the American People, Health Policy Initiative (September, 2007), 8.

⁵⁶ WOMANKIND Worldwide, "Bolivia: The Background," Bolivia, <http://www.womankind.org.uk/why-bolivia.html> (accessed October 28, 2009).

⁵⁷ Teresa Lanza, "A New Constitution for Bolivia: A New Reality for Girls and Women," AKIMBO, April 3, 2009, <http://blog.iwhc.org/2009/04/a->

new-constitution-for-bolivia---a-new-reality-for-girls-and-women/ (accessed October 23, 2009).

⁵⁸ Matthew Hoffman, "Development and Peace Also Supporting Pro-Abortion Group in Bolivia: National Catholic Register," Life, Family and Culture News, March 18, 2009, <http://www.lifesitenews.com/ldn/2009/mar/09031812.html> (accessed October 28, 2009).