

Reproductive Rights in Brazil

Interview with Kristina Hinz:

"It is the lack of engagement of the state that endangers women's life"

In March of this year, the Guttmacher Institute has reported that the number of abortions produced in countries where it is legal is similar to the countries where abortion is restricted by law. The difference is about the possibility to have access to a safe abortion or not. The same report shows that during the period 2010-2014, 55 million abortions were produced per year worldwide, 46% of them were unsafe and mostly located in developing countries. This number is associated with the highly restricted laws on abortion that 125 countries in the world have. Brazil, like other countries in Latin America, is one of them. In a conversation with Kristina Hinz, a researcher at the Center for Studies on Contemporary Inequalities and Gender Relations (NUDERG) of the State University of Rio de Janeiro (UERJ), we talk about the consequences of that.

Virginia: Before we go into more details on the situation of abortions in Brazil, I'd like to start with the latest elections, which resulted in Jair Bolsonaro as elected president. We have heard a lot about this candidate during the election campaign, what does he stand for the Brazilian women?

Kristina: In general, we have to say that Bolsonaro defends the torture during the dictatorship in Brazil, and he made in various occasion explicit xenophobic, racist and misogynist statements. For example, he has said to another congresswoman: "you don't deserve to be raped because you are too ugly", and that on camera. In terms of reproductive rights, he defends chemical castration for rapists which is a hard punishment that doesn't address prevention. He is not attacking the rape culture that is systemic in Brazil, providing the context and legitimization for sexualized violence against women and even incentivizing it. Occupying the fifth position of the international ranking of female homicide, Brazil has structural problems with violence against women. Only El Salvador, Colombia, Guatemala, and the Russian Federation have higher female homicide rates than Brazil. If that was not enough, a person is raped every 11 minutes in Brazil, according to official statistics. The real number, however, is considered to be much higher. The IPEA institute has estimated that only 10% of the rape victims file a police record. So if you put together all these numbers, you can calculate that in reality women are being raped in Brazil nearly every minute. The Brazilian legislation allows abortion if the pregnancy is the result of a rape, but the elected president Bolsonaro represents a real danger to these achieved rights: He is against abortion in any kind of circumstances, not even when the pregnancy is the result of rape. In 2013, he presented, together with other politicians, a bill that would reverse the exception in the Brazilian legal code, allowing for an abortion after a sexual violation. Luckily, this bill has not been approved.

V: To make it clear, in general, when we talk about reproductive rights, what are we talking about? And under what circumstances is it possible to legally abort in Brazil?

K: First, when we talk about reproductive rights, we are talking about the autonomy of women to decide what to do with their own bodies and to be able to articulate a conscious choice regarding reproduction, without being subjected to discrimination, coercion, and violence. Women should have the freedom and autonomy to decide whether they want to carry out a pregnancy or not, without having the state interfering onto something so private

as their own body. **When we are talking about reproductive rights, we are essentially talking about a woman's choice.**

In Brazil, abortion is forbidden and considered a crime against human life, foreseeing even prison detention for the women that abort or the physicians that carry out the abortion. However, the Brazilian law allows the interruption of pregnancy in three exceptions: when the pregnancy is the result of rape, or when the pregnancy represents a risk for the life of the mother or in case of diagnosed anencephaly in the fetus. However, it's one thing to have the law on paper and a totally different thing to see it is actually being implemented and materialized. According to a study carried out by the Centro Feminista de Estudos e Assessoria (CFEMEA) in the year 2013, 86% of the women who got pregnant as a result of rape were not able to carry out a legalized abortion in the state of Rio de Janeiro. Or in other words, only 14% of the women in Rio de Janeiro could materialize their right to get a legal abortion after a sexual violation.

V: So even though the law clearly guarantees this right, what are the factors that impede its effective application?

One big factor is infrastructure, and more precisely, we are talking about the magical word of "access". Brazil is one of the biggest countries in the world, both in terms of population and territory. There are more than 200 million people living in Brazil. How many hospitals do we have that have a license to carry out a legal abortion? 84 hospitals in the entire country. And this official number is not even accurate, the real number of hospitals that realize abortions is actually lower than this. For instance, the city of Rio de Janeiro lists officially three hospitals where you can get a legal abortion, but as a matter of fact, only one actually carries out these procedures. For a city with more than 6 million residents. So you have this huge problem of access, and when it's already extremely complicated for women in cities like Rio de Janeiro, it is close to impossible to get a legal abortion for women that live outside the urban centers, they would have to travel to a bigger city to get access to a hospital that is licensed to carry out abortions in the legalized cases. And as we all know, terminating a pregnancy is a time sensitive endeavor, you can only abort about a certain amount of weeks and don't have time to put your name on a waiting list to get an abortion six months from now.

V: How is the process then? If a woman has been raped and got pregnant, and want to do an abortion, how does this process start?

K: The legal code says explicitly that you don't need a police record in order to do that. Ideally, the health sector should be independent of the security sector, given that women can have reasons related to social stigma for preferring not to file a police record. So the health sector and the security sector shouldn't be attached, and in fact, they are not in the Brazilian law. So, in theory, you have to go to the hospital and say "I have been raped and I want to have an abortion because I am pregnant now", and then it shouldn't be a problem. But in reality, many obstacles stand between women and the implementation of their rights, for instance, the institutional culture at public hospitals.

V: Which means...

K: ...that a woman comes to the hospital and says that she has been raped and because of that she wants to do an abortion but, like in many public institutions in Brazil, they don't really believe that what has happened to her, to her body, is true. The word of the victim is not enough. So they want to have something official, like an official document such as a police record that somehow confirms the words of the raped victim.

Even though the law clearly says that no police record has to be presented in order to realize a legal abortion at a public hospital after a rape. It depends a bit on how confident you are in the situation. If you go there and you know your rights and you show them that you don't need all these papers, you can probably convince them to do it anyway. But you can imagine that if you have been raped and you are pregnant, maybe you are not in the condition to look up the legal code, to be confident and to stand up for yourself. So you have all these barriers between women and their reproductive rights in Brazil.

V: And what about the social barriers and the religion involved?

K: Brazil is known as the biggest Catholic country in the world, so religion is naturally a strong cultural frame. Besides the Catholics, Neo-pentecostalism has registered a boom in the last decades in Brazil. Today, one out of five Brazilians is self-declared Evangelical, and these churches are particularly strong in peripheral and low-income areas. The Evangelical churches are extremely influential both in terms of party politics and media presence: they have their own TV and radio channels and thus a daily platform for their religious content. In the Brazilian Congress, there are currently two parties which are openly associated with the Evangelical Churches. But besides these two parties, a lot of politicians from different parties form the so-called Evangelical Parliamentary Front [Frente Parlamentar Evangélica]. This is an interest group that defends a traditional family model and argues against issues such as abortion or LGBT rights. In the current composition of the Congress, the evangelical block has 199 congressmen out of the total number of 513 congressmen in the Brazilian lower house. That is nearly 40% of all congressmen! Besides being members of the Bancada da Bíblia, as we call them, many of them are also members of the parliamentary security front, the so-called Bancada da Bala.

V: What does it mean?

K: They stand for the militarization of security politics and the flexibility of the laws that regulate the possession of firearms. The president elected, Bolsonaro, is a well-known member of them. As many of the politicians that make up for the Evangelical Block. In Brazil, you sometimes find indeed a very interesting mixture of religion and militarism, which, as surprising as it may seem, go often hand in hand, combining militarized approaches to public security with a strict moral agenda that they impose on women's bodies.

V: How did these forces evolve in the last years?

K: After the impeachment of Dilma Rousseff in 2016, the evangelical block benefitted from the government changes under Michel Temer. Under the new administration, they managed to secure important ministries. The most symbolic here is the National Secretary for Policies for Women, which is now headed by an outspoken anti-abortionist, also of evangelical faith, Fátima Pelaez. So this gives you a great idea of the general picture. The former head of the Parliamentary, who was the main driving force of the impeachment process against Rousseff, Eduardo Cunha, is also one of the most outspoken religious evangelical politicians. He alone has brought in five legislative proposals to revert the existing abortion law, for instance trying to turn abortion into a capital crime. One of his other bills would introduce prison penalties for health workers that give orientation to rape victims regarding the possibilities of getting an abortion.

V: Given that abortion is illegal, with the exceptions of the three cases you cited, do you have information on how often abortions are actually carried out?

K: Abortions are a social reality in Brazil. There is a study carried out by Debora Diniz, a very important anthropologist, which is called "The National Survey of Abortion". She found out that **among the women over 40 years old, one in five women have already done an abortion**. What this survey also shows is that the profile of the women who did an abortion is very far away from the moralist picture that people have in mind when thinking about a woman who decided to abort. Abortion has nothing to do with moral or social degradation. The average women who already did an abortion in Brazil are between 20 and 29 years old, she has a job, she is religious, Catholic or Evangelical or something else, in many cases she is married, in many cases she already has children. She is a person that you meet every day at the bakery or at work, she can be your neighbor or that nice lady you meet in the park. She is not a demon, she can be you or everyone.

V: Which role plays then the social class and race with regards to access to a safe abortion?

K: Given that abortion is a social reality in Brazil, it is the social class that defines whether a woman is able to do an illegal but safe abortion or whether she will be risking her life during the procedure. It is essentially a question of money. Even though there are of course no official informations available concerning the prices of illegal abortions clinics, we know that for the city of Rio de Janeiro, for example, having a safe abortion in Rio de Janeiro, could cost 3000 euros. So if you have this money you can go to a clandestine, illegal but rather good clinic in some middle-class neighborhood and get a relatively safe abortion. But if you don't have this money, which happens to the largest share of the Brazilian population, the options left are not safe: you can have an abortion pill from the black market, that means that you have to buy it in a drug market and it is never the best experience, and, you have to do the abortion at home, without medical supervision. And also you don't know what they really sold to you, could be a placebo or something else, so you don't know what you are doing to your body. Also, many women go to clandestine clinics which often operate at the poorest hygienic standards and without trained physicians. It is in these clinics that women really risk their lives.

The question of whether you can do a safe abortion or risk your life, or even die, is a question of social class. It is a question of whether you have the money or not. The rich or middle-class women go to the abortion clinics or they can go abroad to have an abortion, but for women that are from the lower classes, they have to deal with many dangerous situations and it is the state who puts the women in this kind of situation. It is the lack of engagement of the state that endangers women's lives.

***Kristina Hinz** is a coordinator and lecturer of the Contemporary Feminist Theory course at the State University of Rio de Janeiro (UERJ) and researcher at the Center for Studies on Contemporary Inequalities and Gender Relations (NUDERG) at the same university. She was a consultant for the German Technical Cooperation (GIZ) and the Amazon Fund (BNDES), advising both institutions in the areas of human rights, gender policies and protection of minorities. Furthermore, she worked for the Global South Unit for Mediation (GSUM) and the Heinrich Böll Foundation in Brazil. She holds a master's degree in International Relations from PUC-Rio and a degree in Economics and Geography from the Eberhard Karls Universität Tübingen. She has translated classic and contemporary authors of political theory into Portuguese, such as Andrea Maihofer and Hannah Arendt.*