



What Care for Birthing Mothers? The Relevance of UDHR Art. 25 In the Framework of Obstetric Violence

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Abstract

Obstetric violence (OV) was first defined in 2007 in Venezuela, within the Organic Law on the Right of Women to a Life Free of Violence, typifying the forms of violence committed by any healthcare facility staff in any event of a woman's sexual and reproductive life. This was the first law recognizing OV as gender-based violence – i.e., as having structural roots rather than happening in contingent or subjective situations. Venezuelan's approach has inspired similar legislation in other countries (e.g. Chile, Brazil, Mexico), fostered international debate and fueled grassroots movements advocating for women's sexual and reproductive health and rights. In Venezuela's Organic Law, OV is framed as a breach of multiple human rights of women (e.g. right to life, right to be free from violence, and right to health).

This work, drawing inspiration from one section of article 25 UDHR, seeks to examine the meanings attributed to the term "care" for women in the context of childbirth in legal documents, and what such attribution of meanings would imply in practice with regards to the quality of care. To this end, the article revises legal documents referring to the right to health in hospitalized childbirth care, including jurisprudence and documents belonging to International Human Rights Law, including both hard and soft law. This work will involve legislation of Italy, Spain, and Portugal, where the author is carrying out her PhD research – two countries particularly relevant for the subject matter, due to the recent legal developments on this topic.

Keywords: childbirth, gender-based violence, human rights, law, reproductive health and rights