

Guidance: Ensuring Access to Safe Abortion and Addressing Gender Biased Sex Selection

Way Forward

Various stakeholders play a role in addressing these two important public health issues. It is, therefore, imperative that the collective efforts are coordinated. State and district officials can help in ensuring that the wide range of stakeholders including providers, communication teams (both Government and NGO), police, judges, lawyers and so on, have a comprehensive understanding of both issues as detailed in the Guidance Handbook. For a comprehensive understanding, it is suggested that the Guidance Handbook be read in detail. The three principles that could be central to interventions by key stakeholders are summarised here:

- **Sensitive:** Both the issues are very sensitive and need to be handled very carefully. It is important to internalise the spirit of the guidance while addressing both the issues.
- **Standardised:** National guidelines detail the provisions of the law and following these in designing and implementing initiatives as well as for communication on these issues would yield better outcomes.
- **Synergetic:** To ensure that efforts of the wide range of stakeholders are synergetic, it is important to create opportunity for collaboration between relevant stakeholders in line with the strategies elaborated in the Guidance Handbook.

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Context

Unsafe abortions contribute to eight percent of maternal deaths in India. In absolute numbers, almost 10 women die due to unsafe abortions each day.¹ While abortion has been legal in India since 1971, available research shows that of the 6.4 million abortions that take place in the country each year, 56 percent are unsafe.² It is unfortunate that women have to face severe complications that can be prevented by ensuring access to safe abortion services. At the same time, declining sex ratio in India is an important area that requires immediate intervention. Recent census data (2011) reveals a dismal child sex ratio of 918 girls per 1,000 boys. This is down from 927 in 2001; and 945 in 1991. The sex ratio at birth at national level did increase from 892 in 2000-02 to 909 in 2011-13. However, this is still not close to the normal sex ratio at birth (natural estimated range is 950-975 girls per 1,000 boys³).

Both abortion and sex determination are governed by laws in our country. The Medical Termination of Pregnancy (MTP) Act, 1971, which was amended in 2002, legalises abortion in India under certain conditions. In addition, the Central Government released the Comprehensive Abortion Care (CAC) Training and Service Delivery Guidelines (hereafter referred to as the National CAC Guidelines) in 2010 (updated in 2014) to strengthen access to CAC and prevent mortality and morbidity resulting from unsafe abortions. The Pre-Conception and Pre-Natal Diagnostic Techniques (PC&PNDT) (Prohibition of Sex Selection) Act, 1994, as amended in 2003, along with the PC&PNDT Rules, 1996, as amended in 2011, 2012 and 2014, has been enacted to prevent misuse of pre-conception and pre-natal diagnostic techniques

for determining the sex of the foetus and to prevent disclosure of the sex to the pregnant woman or her relatives. While the two laws have been in place for a long time, it is important for the relevant stakeholders to be familiar with them and related policy documents to overcome gaps in interpretation and implementation. Ministry of Health and Family Welfare (MoHFW), Government of India (GoI), has taken cognisance of the critical role played by the state and district officials in implementing initiatives based on the two Acts. *Guidance: Ensuring Access to Safe Abortion and Addressing Gender Biased Sex Selection* (hereafter referred to as Guidance Handbook) was developed by the GoI to ensure clarity on both issues. This ready reckoner aims to simplify the Guidance Handbook and serve as a quick reference document for use by the relevant officials.

About the Guidance Handbook

(Guidance: Ensuring Access to Safe Abortion and Addressing Gender Biased Sex Selection)

The Guidance Handbook provides detailed information for three sets of stakeholders:

- Section I:** Guidance for state and district authorities to provide clarity on implementation and monitoring of the MTP Act and PC&PNDT Act.
- Section II:** Guidance for service providers for ensuring compliance with the respective Acts.
- Section III:** Guidance for communication for the Government and other stakeholders involved in developing communication and messaging on safe abortion as well as on gender biased sex selection.

This ready reckoner provides a quick overview of the issue with specific focus on the role of implementing authorities and on communication on both issues.

Please refer to the Guidance Handbook for detailed information and comprehension.

¹Calculated estimates from RGI SRS 2001-03.

²Duggal R, Ramachandran V: The abortion assessment project – India: key findings and recommendations. *Reprod Health Matters* 2004; 12:122-129.

³Jha P et. al: Trends in selective abortions of girls in India: analysis of nationally representative birth histories from 1990 to 2005 and census data from 1991 to 2011. *The Lancet*; 2011.

Guidance for State and District Authorities

Authorities at the state and district levels play a critical role in ensuring and monitoring implementation of the two laws. To do this effectively, the first step is for the implementing authorities to be familiar with the provisions of both laws and related policies. The primary purpose of this section of the Guidance Handbook is to provide clear information to implementing and monitoring authorities of the MTP Act and the PC&PNDT Act for effective implementation of both laws. Pages 8 to 17 of the Guidance Handbook explain the relevant provisions of the two Acts in tabular form for ease of comprehension. These need to be read in conjunction with the Acts and other relevant guidelines issued by the GoI for effective interpretation.

Another significant role of the implementing authorities is building awareness by disseminating the provisions of the laws and their compliance. Ensuring access to safe abortion and addressing gender biased sex selection involves a wide range of stakeholders. It is critical to bring these groups at a common level of understanding such that the collective efforts merge together to yield productive outcomes. The Guidance Handbook can be used to facilitate orientation sessions and appraise all concerned stakeholders on the provisions of the law and their roles and responsibilities.

The Guidance Handbook lists the following key areas of intervention for implementing and monitoring authorities to ensure a conducive environment from the perspective of addressing gender biased sex selection and ensuring access to safe abortion services:

- Appoint dedicated nodal officers for planning and monitoring implementation of the MTP Act and PC&PNDT Act exclusively.
- Orient all concerned state and district officials on key provisions of the MTP Act and PC&PNDT Act. This will enable them to effectively monitor implementation of both the Acts.
- Conduct periodic workshops for state and district officials on both issues.
- Ensure that all relevant documents at the state level have equal focus on addressing gender

biased sex selection and ensuring access to safe abortion services.

- Conduct periodic workshops with concerned stakeholders including the media, and professional associations (Obstetrics-Gynaecology, Radiologists, and the Indian Medical Association and so on).
- Ensure proper implementation of the MTP Act and PC&PNDT Act at the state and district levels such that safe abortion services are available to women and gender biased sex selection is also addressed.
- Set up systems to periodically review implementation of both the Acts.

Guidance for Communication

Gender biased sex selection is a sensitive and multi-dimensional issue that needs to be approached from various angles – social, legal, education, communication and so on. It is important to design communication tailored to the needs of the target audience – their understanding and perception of the issue; and the language in which they articulate it. Communication on the issue of gender biased sex selection is found to be most effective when designed incorporating three critical elements – language, imagery and positioning. Pages 36 and 37 of the Guidance Handbook provide a framework for developing effective communication from a gender equality perspective.

Maintaining Balance in Communication – Dos and Don'ts

For any communication on gender biased sex selection to pass the test of being balanced, three markers may be applied:

1. **Language:** choose terminology that conveys the message yet does not jeopardise abortion;
2. **Imagery:** such that it does not imply murder, and illegality of MTP, personify an unborn foetus; and
3. **Positioning:** plan the situation such that it does not imply sex selection and abortion as violence and does not refer to gender biased sex selection as being about the right to life and the right to be born; does not undervalue women or girls by stressing on their instrumental value as wives or daughters-in-law; and does not indulge in gender stereotyping.

The table on the facing page details the framework for planning effective messaging:

DOs	DON'Ts
LANGUAGE	
<ul style="list-style-type: none"> ● Use terms like <i>ling janch</i>/sex determination and <i>ling chayan</i>/sex selection when referring to sex selection. ● Use the term <i>ling bhed</i>/gender discrimination/son preference when referring to the rejection of daughters: this draws attention to the underlying issues of discrimination that fuel sex selection. 	<ul style="list-style-type: none"> ● Do not make use of terms such as 'female foeticide' or <i>kanya bhrun batya</i>: these terms stigmatise abortion and imply it is not to be provided, endangering women who seek abortion for legal reasons.
IMAGERY	
<ul style="list-style-type: none"> ● Use images that celebrate the love, care and attachment associated with daughters. ● Use images that express joy and celebration linked to the birth of a girl child. 	<ul style="list-style-type: none"> ● Do not use images of foetuses being crushed, stabbed and strangled, daggers going through the stomach of a pregnant woman, blood being splattered. ● Do not use images of a female foetus speaking from the womb: This tends to ascribe life to the foetus and furthers the perception of 'life being murdered'. This seriously jeopardises legal abortion. ● Do not use imagery that selectively emphasises on the value of women only as brides (like many men waiting to marry one woman): This further reinforces their devaluation in perceiving them as valuable only in their roles as brides. This takes the attention away from value of daughters in the family.
POSITIONING	
<ul style="list-style-type: none"> ● National policy is to make abortion safe and widely available as per the law: Abortion is legal for a number of reasons but not for reasons of selecting the sex of the foetus. Even today, eight percent of maternal mortality is due to unsafe abortions. ● Safe abortion should not be jeopardised in preventing sex selection: Estimates indicate that about nine percent of abortions are sex selective and therefore ninety percent are not. ● Promote use of data related to sex ratio at birth and emphasise it as a more accurate indicator of the extent of sex selection. When using child sex ratio, be aware that this ratio also includes post birth factors that might skew the ratio, such as under-reporting, infanticide, selective neglect and resultant female mortality. This underscores the need to also work on some of these post birth contributors to an imbalance in child sex ratio. 	<ul style="list-style-type: none"> ● Do not discourage service providers from providing safe and legal abortion, through measures such as tracking of abortion outcomes or reviewing data for second trimester abortions. Quite obviously, half of the legal abortions will involve female foetuses and this will be true regardless of the sex ratio of that area or the level of compliance with the law. ● Do not imply that all women who previously have daughters are opting for an abortion for sex selection. Several studies have shown that education of the woman and unintended pregnancy are variables more closely correlated with opting for abortion as opposed to sex of the previous child. ● Do not use population sex ratio (number of females to 1,000 males in total population) to point to the problem of sex selection.