

FREQUENTLY ASKED QUESTIONS

Is sex-selective abortion illegal under the Medical Termination for Pregnancy (MTP) Act?

Yes. Sex determination is not a permitted condition for seeking legal abortion under the MTP Act. Under the MTP Act, abortion in India is legal for the following conditions:

- When continuation of a pregnancy involves risk to the life of the pregnant woman or of grave injury to her physical or mental health taking into account the pregnant woman's actual or reasonable foreseeable environment
- When there is substantial risk that if the child were born, she/he would suffer from such physical or mental abnormalities as to be seriously handicapped
- In cases of rape
- When the device or method used by any married woman or her husband for the purpose of limiting the number of children has failed.

Are all second-trimester abortions sex selective? Why do women seek abortions in the second trimester?

Not all second-trimester abortions are sex selective. In fact, while sex determination takes place mostly in the second trimester of pregnancy, 80 to 90 percent of reported abortions in India take place in the first trimester. In India, some women delay pregnancy termination until they are in the second trimester for reasons other than sex selection. Cases of delay in abortion seeking are common amongst poor, young, and unmarried women in particular, who are often poorly informed on many fronts: they may not understand the signs of pregnancy, the possibility or legality of obtaining an abortion, the importance of seeking early abortion (in the first trimester) and the location of safe services.

Do women seek abortions only to terminate a pregnancy when the fetus is female?

No. Most women who opt for an abortion do so because they cannot afford another child, because contraception has failed, because they are unmarried, or because they have been raped. Estimates indicate that two to four percent of all abortions in the country are son selective abortions. According to estimates for 2001-2008, 4.6 percent of all female births did not occur because of pre-natal sex selection.

Is pre-natal sex selection the only reason for the skewed child sex ratio?

No. The main reason for skewed child sex ratio is son preference – this manifests itself not only in the pre-natal period but in practices that discriminate against females even after birth. Girls killed shortly after birth or adopted outside the family are sometimes unaccounted for. Discriminatory feeding and health care practices leading to neglect cause an increase in post-natal mortality in girls which is visible in the gender gap in infant and under five mortality rates of some states. The ratio can be also affected by the undercounting of girls in census enumerations.

What can be the consequences of restricting access to abortions for women?

Restriction on safe abortion services will have long-term consequences on the health of women – especially if they are poor and less educated – and may also violate their human and reproductive health rights (Ganatra 2008). Evidence shows that if women do not have access to safe abortion services they often turn to unsafe options (WHO, 2007). Placing limitations on second-trimester abortions and/or increasing unnecessary reporting requirements for abortions will discourage providers from offering abortion services. Any immediate actions to curb access to abortions by government will add to the already widespread belief that abortion in India is illegal, pushing women to risk their lives, when they are in need of early and safe abortion services.

What are some steps that can lead to a balanced approach to address both issues of gender biased sex selection and lack of access to abortions?

- Working with policymakers, government officials and other stakeholders to discuss ways in which both MTP and PC PNDT Acts are implemented in fulfilling their intents, that is to prevent unsafe abortion and to prevent gender biased sex selection respectively.
- Encouraging dialogue among NGOs that work to implement the PCPNDT Act and the MTP Act to reach consensus on strategies to ensure strengthened implementation of both Acts with clear understanding of intent of each
- Operationalizing District Level Committees under the MTP Act to ensure regular reporting of MTP cases, including second-trimester abortions
- Focusing communication campaigns on the issue of sex determination and selection
- Clearing up public misconceptions by emphasizing that sex determination is illegal, while abortion is legal (for certain conditions) in the country
- Ensuring better regulation and vigilance to stem illegal and unethical practices instead of imposing additional restrictions such as not allowing sale of abortion drugs or restrictions on registration of facilities for MTP
- Supporting implementation of programs and initiatives to address the underlying social causes of sex selection and discrimination against the female child

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