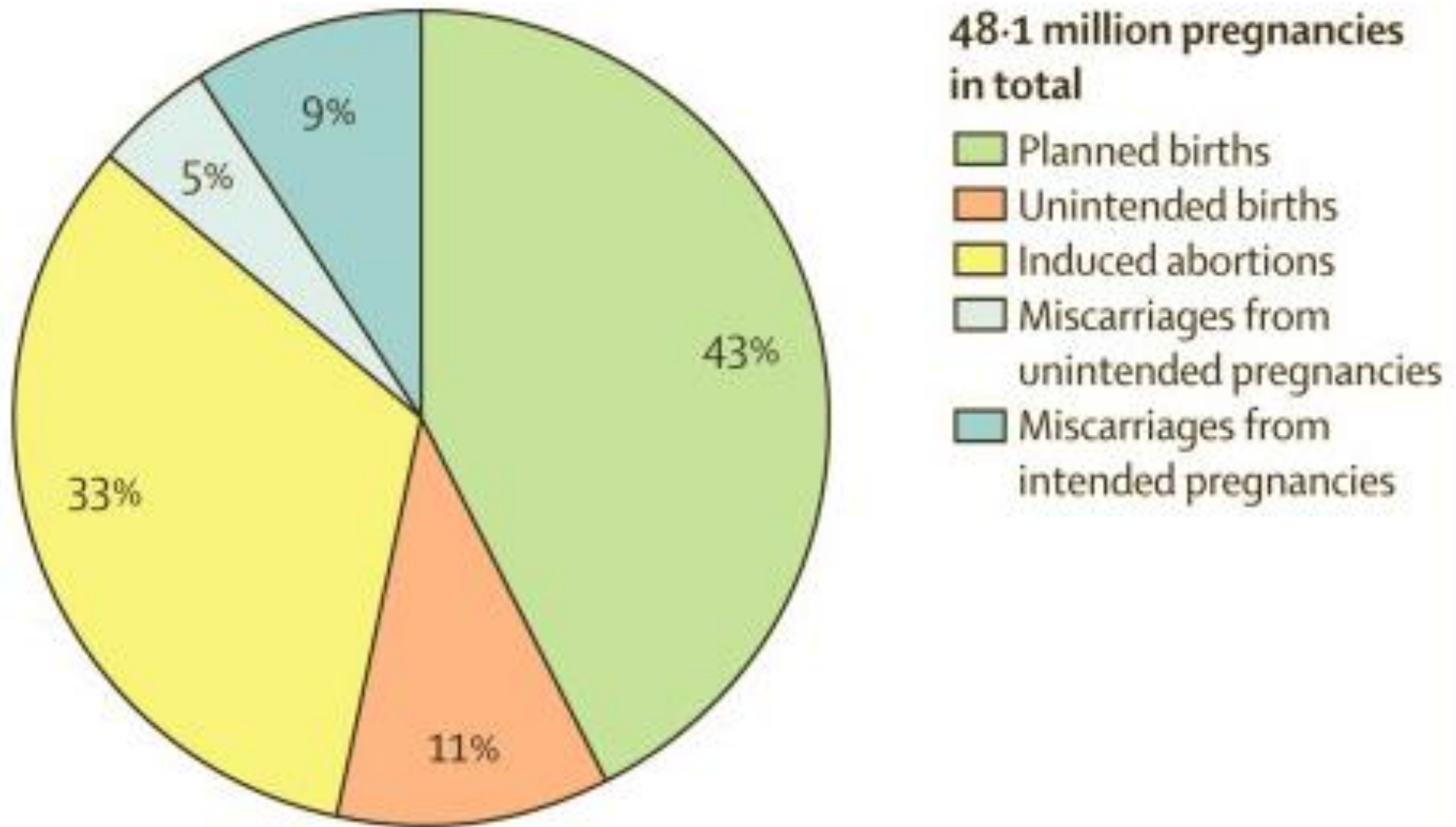


# The Right to Access Safe Abortion

5<sup>th</sup> June 2018

Centre for Health and Social  
Justice (CHSJ), New Delhi



*Source: Singh et. al. The incidence of abortion and unintended pregnancy in India, 2015. Lancet, Volume 6, No. 1, e111–e120, January 2018*

# Why Safe Abortion?

- Women must have the option of terminating unwanted pregnancies in a safe way
- Unsafe abortions one of the 5 top most causes of MM
- 27 percent of abortions take place at home or other places
- Only 53 percent are performed by a doctor, 16 by a nurse/ANM
- 31 percent (almost one-third) by untrained providers

**DEBATE!**

**Do you Agree or Disagree?**

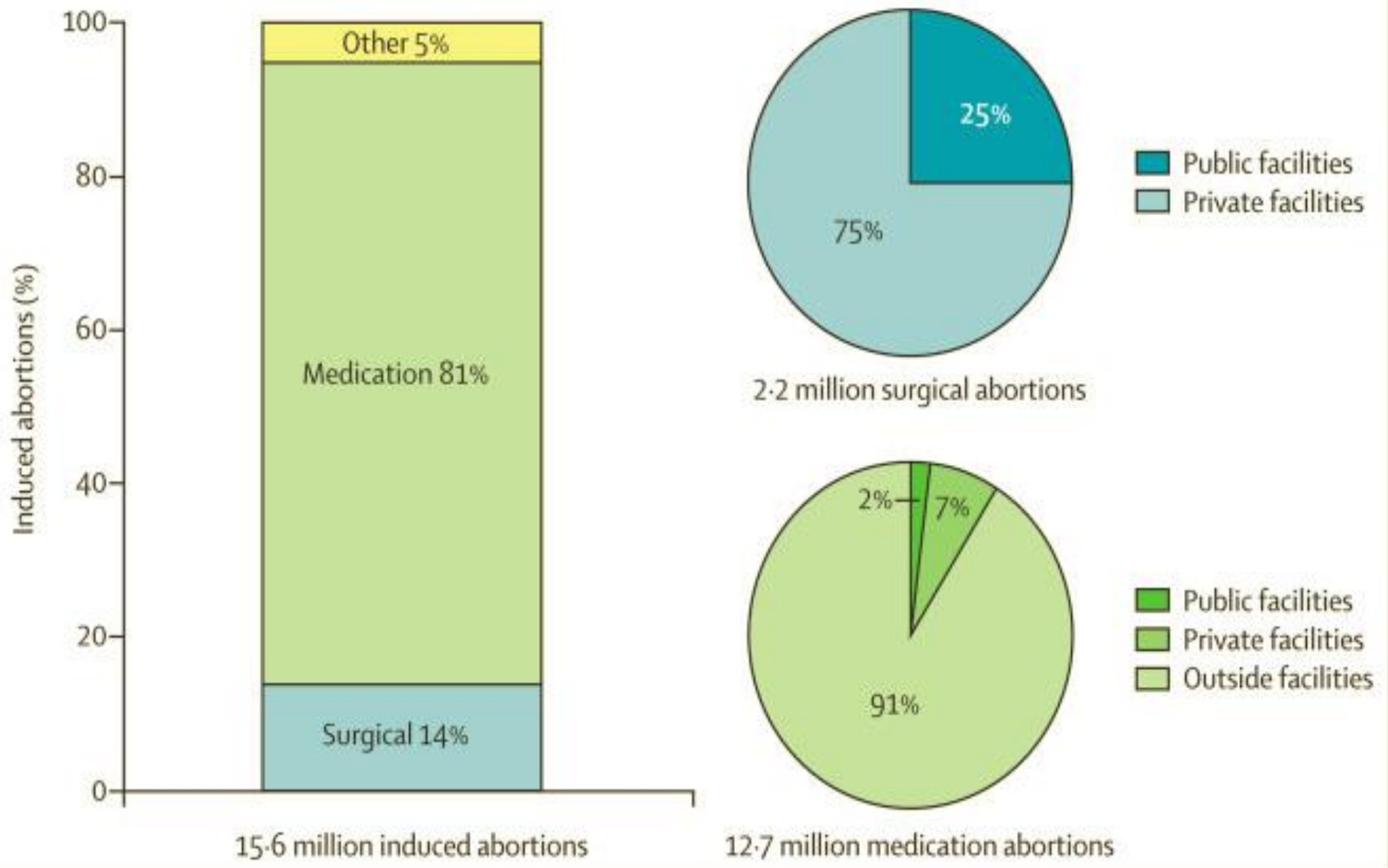
***Abortion is legal in India.***

- In India, abortion is legal under certain conditions and the Medical Termination of Pregnancy Act, 1971.
- BUT abortion is conditional
  - If there is a risk to life, grave injury to physical or mental health of the woman
  - Substantial risk that if the child were born, it would suffer from such physical or mental abnormalities as to be seriously handicapped
  - When pregnancy is alleged to have been caused by rape
  - When pregnancy occurs as a result of failure of contraception
- Abortion up to 20 weeks is legal in India, under a prescribed set of conditions.
  - After 12 weeks opinion of two doctors is required.
  - beyond 20 weeks still not legal except in emergencies, to save the life of the pregnant woman.

***An abortion will be safe only  
if it is performed in a  
hospital***

- A safe and legal abortion can only be performed when safety standards as required by the law are followed.
- The Act specifies WHEN, WHERE and BY WHOM an abortion can be performed.
- A center needs to be registered in order to conduct surgical abortions. In the public health system, abortion is included in the BEmOC package – from the PHC onwards, all facilities must provide it.
- Medical abortion: A doctor who is eligible to conduct medical abortions can offer them from a clinic which is not registered, as long as there is back up available at a registered center in case of an emergency.





Source: Singh et. al. The incidence of abortion and unintended pregnancy in India, 2015. *Lancet*, Volume 6, No. 1, e111–e120, January 2018

***Abortion at 16 weeks is illegal  
in India***

- Abortion up to 20 weeks is legal in India, under a prescribed set of conditions.
  - After 12 weeks opinion of two doctors is required.
  - beyond 20 weeks still not legal except in emergencies, to save the life of the pregnant woman.

***Abortion is a sin because it is equivalent to taking a life***

- The right to life is valid only AFTER birth and the woman's right to protecting her own life would take precedence.
- It is a scientific fact that the foetus cannot live independently of the woman's body till 28 weeks or later.
- Abortion is not desirable because although safe, if performed repeatedly it can take a toll on the woman's health
- Abortion can help women to terminate unwanted pregnancies and thus save themselves from the burden of an unwanted pregnancy.

***Emergency contraceptive pills  
are an effective method of  
abortion***

- EC pills are not a method of abortion
- EC pills prevent a conception but will not cause an abortion if the pregnancy has already been conceived and implanted.
- They must be taken within 72 hours after unprotected intercourse.
- Use of EC pills as regular contraception is dangerous, but women often resort to it due to challenges and barriers in accessing contraception.

***A woman need not take her  
husband's permission  
before getting an abortion***



- The law only requires woman's consent, although in practice husband's consent is often demanded.
- Women must have complete control over when and with whom they want to have a child.
- Ideally, joint decision of the couple – but reality?
- Burden of child bearing and rearing is still entirely on women, hence the decision to get an abortion must rest with women alone.

***If want to stop sex-selection  
we must restrict abortions***

- Women seek abortion for a variety of reasons, not just sex-selection.
- Can one conclusively say that a certain abortion is sex-selective?
- What about pre-conception sex-selection?
- What about progressing technology?
- What will happen when we can easily identify the fetus before 10 weeks? Will we ban abortion altogether?

What will restricting abortion do?

- Push Abortion underground
- Increase in mortality due to unsafe abortions
- Further stigmatization of abortion

## CAUTION:

- There is tremendous confusion about legality of abortion and illegality of sex-determination among people at large and even among activists.
- Need to be clear that the two are not related.
- Check language – words like “foeticide” and “bhrunhatya” imply that abortion means “killing” a fetus and further increases ambiguity.

# Case Studies

- Why did the women need an abortion – how are these reasons related to gender?
- What **social, legal** and **facility level** barriers did the women face?
- What were the consequences for the woman?

# Resources

- CommonHealth:  
<http://commonhealth.in/englishresources.html>
- CEHAT:  
<http://www.cehat.org/publications/1490352563>
- CREA:  
<http://www.creaworld.org/abortthestigma>
- IPAS: <http://www.ipas.org/>
- ASAP: <http://asap-asia.org/>