

Increasing Access to Abortion in Select States (Bihar, Jharkhand and Uttar Pradesh)

A joint initiative of CREA and Common Health
Concept Note

‘In India, one woman dies every two hours because of unsafe abortion’, a ballpark estimate quoted in a mainstream newspaper. Abortion cases are often unreported, and undocumented are not discussed much in the public realm. The stigma and the judgment surrounding abortion make its access challenging for women, especially those living in remote areas with difficult living conditions. These challenges were exacerbated further for women during Covid 19. As per the study by the IDF (Ipas Development Foundation), 59 percent of women seeking an abortion could not access the abortion service in a private or public health care system and could not go to the nearest pharmacy.

MTP Act current status

Unsafe abortion is one of the major causes of maternal mortality and morbidity. The majority of unsafe abortions, at 97 percent, occur in developing countries such as Asia, Africa, and Latin America (SAIGE, 2020, #). In India, Medical Termination Pregnancy (MTP) Act 1971, an exception to IPC (Indian Penal Code) section 312, provides a legal sanction to abortion under certain circumstances within a limited gestation period.

Introduced to “liberalize” access to abortion MTP Act's primary purpose was to control the population and promote family planning. Since 1971 MTP Act has undergone amendments to ensure safe abortion services accessible to women irrespective of whether they were married/unmarried. The provision under the law has expanded its frame, wherein up to 20 weeks, approval of one doctor is needed as opposed to the earlier requirement of two in addition to changes in other provisions.

It has been 50 years since the Medical Termination and Pregnancy Act (MTPA) 1971, but abortion still continues to be surrounded with stigma and remains a service at the discretion of the service provider. The law keeps doctors/health service providers at the center, not the pregnant person. Despite the amendments, there are still barriers to accessing safe abortion in India. There is a lack of access to accurate information, and many public health facilities lack medical abortion facilities, leading to more abortions in private hospitals causing difficulty for marginalized groups to access services. The amendments still do no good where the service is still time bound, amendments continue to limit it to certain conditions under which foetal anomaly is one such condition, which allows a pregnant woman to go for abortion after a gestation period of 24 weeks. Though the amendment in MTP law has expanded the frame, it still continues to set within the ableist paternalistic framework with no recognition that abortion access should be within a framework of autonomy and self-determination rather than focusing on specific grounds.

The fight to access safe abortion continues, and the amendments give very little to the pregnant person. Therefore, it is important to create a right-based legal framework on abortion that is in line with the constitutional values and International Human Rights commitment. It is important that civil society activists, service providers, and practitioners come together to develop different ways and mediums to disseminate accurate information connected to abortion to a larger community, especially in remote pockets of the country.

To take this forward, CREA and Common health in collaboration will support champions and organisations working on SRHR with support from the Safe Abortion Action Fund (SAAF). SAAF is a global fund focused exclusively on the right to safe and legal abortion.

Timeline

It is a year-long program (2023 -2024). The two important pillars of the project are to trigger change at the individual and collective levels.

- CREA with help from CommonHealth will select individuals, who have a foundational understanding of sexual and reproductive health and rights (SRHR) and/ or are active in the SRHR field, the project plans to transform them into change agents to lead initiatives that not only address issues related to SRHR, more particularly abortion rights but also integrate an intersectional lens in their activism.
- These individuals are also expected to engage and influence the on-ground movements to have intersecting issues of sexual and gender diversity and disability rights into their agenda and politics.
- Finally, with changed individual, reformed collective agenda, and strategic reach out, the project interventions will also gear towards bringing structural and norm change by raising awareness of community stakeholders, bringing in duty bearers in the conversation, and building evidence for long-term advocacy.

Activities

1. Training 30 Gender Champions

- **Identify a core group of champions (30 in total across the country) to participate in the project**

CREA and CH will closely engage with AGRI Abortion Gender Rights Institute(AGRI) alumni. The 30 alumni will be from three states – Bihar, Uttar Pradesh, and Jharkhand. These are the states where CREA largely has its partners.

- **Conduct capacity-building training for the cohort on issues of abortion rights and its intersections with sexual and gender diversity, intersex, and disability rights movements**

Organize a training cum workshop for these gender champions. A comprehensive and advanced training curriculum covering a range of topics that are crucial and related to abortion and SRHR such as sexuality, gender, contraception, programs and policies by the state, the legal system in India, and values, sex ratio, and service provisions by the health facilities will be part of the training. The training will also focus on the interlinkages of access to abortion and ableism, and what that means for both abortion rights, and the disability rights movement.

2. Fellowship program for select participants to implement action projects that aim to contribute to the larger movement of safe abortion rights and its intersections with the disability rights movement

- **Selection of 6 fellows from 30 Gender Champions:**

Engage with selected participants (6 fellows) from the cohort of 30 gender champions through a fellowship process targeted action projects in their communities and spheres of work.

The overarching goal of these action projects will be to contribute to the greater work that is already happening at different intersections regarding access to abortion, draw out the shared ground, fault lines, and nuances between abortion and disability, sexual and gender diversity,

and generate greater understanding and interest in cross-movement solidarity.

3. **Campaign and Documentation:**

- **Social media and offline campaigns and events based on the framework of CREA's #AbortTheStigma campaign**
- **Evidence-building for advocacy through documenting various discriminatory practices**

Collaborate with the champions, including the fellows, and partner organizations to identify and document different discriminatory and invasive practices that deter from accessing safe abortion. Documentations of these practices in different forms and multiple languages (English and Hindi) will be made available and utilized strategically for advocacy to ensure access to safe abortion for all.