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Statement submitted by Smile Foundation, a non-governmental organization in consultative status with the Economic and Social Council

The Secretary-General has received the following statement, which is being circulated in accordance with paragraphs 36 and 37 of Economic and Social Council resolution 1996/31.



Statement

Fight against female foeticide

Of all the forms of violence and crimes against women, female foeticide is perhaps the most heinous and heartbreaking. Women all over the world face insurmountable challenges and discrimination but do not even have a fair or, in this case, an unfair chance of fighting and surviving female foeticide. This is what makes it a form of violence beyond all others.

India has always been a country of contradictions, the birthplace of many extraordinary traditions; it is also home to some of the most horrific practices endorsed and nurtured in the name of age-old traditions and cultural practices. Female infanticide, and with the coming of new technologies, female foeticide are the front runners.

While the statistics show that the overall sex ratio in India has improved from 932.91 females per 1,000 males in 2001 to 940.27 in 2011, the deeply disturbing part of the statistics is that 914.23 girls were born for every 1,000 boys in the age group 0 to 6, compared with 927.31 for every 1,000 boys in the 2001 census. This is the worst child sex ratio for the country since independence and has shocked the so-called “rising and shining India”.

The obvious explanation for this dangerous reality is the existence of “son preference” and the horrific consequences of the same, namely female foeticide and female infanticide.

India has traditionally been a patriarchal country — the social and ideological construct which considers men (who are the patriarchs) as superior to women. Patriarchy has been called “a system of social structures and practices in which men dominate, oppress and exploit women”. It is based on a system of power relations which are hierarchical and unequal, in which men control women’s production, reproduction and sexuality. Thus in a patriarchy men have the power and control, which means that they are the providers and breadwinners, the source and custodians of family name and the guardian of the family, while women are nothing but a burden and unwanted responsibility.

The property of others and a responsibility. While males are seen as the provider and guardian of a household, a girl child is the property of her husband and his family. Therefore, taking care of a girl child is seen as a bad investment as it will not give the family any returns.

The burden of safeguarding a woman’s sexuality. Safeguarding and protecting a woman’s sexuality is a big responsibility for the guardian of the family. The concepts of purity and pollution, and honour and dishonour are very closely linked to a woman’s sexuality. A woman is honourable and brings honour to her family only if she is “pure” and “chaste” till the day of her marriage; likewise the loss of purity, whether consensual or forced, means loss of honour for the family. Considering the fact that in India a woman is not in control of her sexuality, it becomes the prerogative of the man to protect or squander it. Therefore, families prefer not to have a girl child at all rather than take responsibility for her honour.

The dowry. The dowry, that is, the payment in cash and/or kind by the bride’s family to the bridegroom’s family along with the giving away of the bride (called

Kanyadaan) in Indian marriage is perhaps one of the biggest reasons for parents not wanting a girl child.

All this leads to families not wanting a girl child, leading to female foeticide and infanticide. Abortion was legalized in India in 1971 under the Medical Termination of Pregnancy Act, to strengthen humanitarian values: a pregnancy can be aborted if it is a result of sexual assault or contraceptive failure, if the baby would be severely handicapped or if the mother is incapable of bearing a healthy child. Amniocentesis was introduced in 1975 to detect foetal abnormalities, but it soon began to be used for determining the sex of the baby. Ultrasound scanning, being a non-invasive technique, quickly gained popularity, from the richest to the poorest. Both techniques are now being used for sex determination, with the intention of abortion if the foetus turns out to be female.

The determination of the sex of the foetus by ultrasound scanning, amniocentesis and in vitro fertilization has aggravated this situation, although no legal, moral or ethical principle supports such procedures for gender identification.

Some of the consequences of female foeticide are as follows:

Skewed sex ratio. As mentioned previously, the child sex ratio reached an all-time low of 914.23 girls for every 1,000 boys in the census of 2011. This imbalance is very alarming and depicts an overall deterioration of quality of life and human rights in the country.

Female/women trafficking. The imbalance in male/female ratio has led to an alarming paucity of women, which is now leading to other evils, such as the illegal trafficking of women and children, the buying and selling of “brides”, and so on.

Sharp rise in sex crimes. Sex crimes against women, especially in urban areas, have seen a phenomenal rise as one of the results of the gender imbalance.

Understanding the grave and heinous nature of this practice and its devastating consequences, the Ministry of Health and Family Welfare has adopted a multipronged strategy to check female foeticide, which includes legislative measures, awareness-generation and programmes for the socioeconomic empowerment of women. The steps taken by the Government to prevent female foeticide under the Pre-conception and Prenatal Diagnostic Techniques (Prohibition of Sex Selection) Act, 1994, include the following:

- Reconstitution of statutory bodies under the Act and regular meetings of the Central Supervisory Board, State Supervisory Board and Advisory Committees to monitor effective implementation of the law
- Rule 11(2) of the Pre-conception and Prenatal Diagnostic Techniques (Prohibition of Sex Selection) Act, 1994 Rules, 1996, which has been amended to provide for confiscation of unregistered machines and further punishment of organizations which fail to register themselves under the Act
- Dedicated cells set up at the state and district levels to enhance in-house capacities for building credible cases for conviction of parties in violation of the Act
- Surprise field inspections of ultrasound clinics by the National Inspection and Monitoring Committee in states to guard against violations under the Act

- The National Inspection and Monitoring Committee has been further empowered to oversee follow-up action by appropriate authorities against organizations found guilty of violations under the Act during inspections
- Sensitization and training programmes have been conducted for law enforcers, medical practitioners members of the judiciary and others for effective implementation of the Act
- Comprehensive information, education and communication activities, including a mass media awareness campaign through print and electronic media and community mobilization through non-governmental organizations (NGOs), have also been undertaken

Apart from the above-mentioned steps, the following measures need to be taken immediately to prevent this evil practice:

- Ensure strict implementation of existing legislation
- Advocate a scientific, rational and humanist approach
- Empower women and strengthen women's rights by campaigning against such practices as dowry
- Inculcate a strong ethical code of conduct among medical professionals, beginning with their training as undergraduates
- Provide simple methods of complaint registration, accessible to the poorest and most vulnerable women
- Publish widely in the media the scale and seriousness of the practice
- Educate the public on this matter, with NGOs playing a key role
- Regularly assess indicators on the status of women in society, such as the sex ratio and female mortality, literacy and economic participation

The Smile Foundation treats gender balance as an integral and cross-cutting theme in all its programme interventions. Through one of its women-centric programmes entitled "Swabhiman" it aims at the realization of both individual and collective self-esteem and the inner power of socially isolated women and adolescent girls through innovative community practice and seeks to make them a part of the mainstream. The programme enables women and girl children who belong to the lower socioeconomic strata by empowering them to lead a life of dignity.

The Foundation, in its effort to ensure gender equality and eradicate discrimination and violence against women, pledges to continue fighting against this horrific and evil practice and take every possible step to stop the same.