

Contextualising abortion access in India: Global changes and Indian realities

Achutha Menon Centre for Health Science Studies and CommonHealth

Report of the Symposium

Achutha Menon Centre for Health Science Studies (AMCHSS) of Sree Chitra Tirunal Institute for Medical Sciences and Technology (SCTIMST) and CommonHealth (a rights-based, multi-state coalition of organisations and individuals that advocates for increased access to sexual and reproductive health care and services to improve health conditions of women and marginalised communities) organised a symposium to mark International Safe Abortion Day, Sept 28 2022. The two-part symposium consisted of panel discussions on the Indian and global, especially United States of America (USA) contexts and a quiz for the Master of Public Health (MPH) students of AMCHSS. The symposium was supported in part (workshop with quiz for the MPH students) by The YP Foundation (TYPF).

September 28th, 2022: Medical Termination of Pregnancy situation in India

The program consisted of a panel discussion on Medical Termination of Pregnancy (MTP) Situation in India and a workshop and quiz on MTP in India for the MPH and PhD students of AMCHSS, SCTIMST

Ms.Anubha Rastogi, spoke of the legal context of MTP – the for whom, when, where and by whom, emphasising that the MTP act served to decriminalise the provisioning of abortion under certain conditions and could not be interpreted as a right of women.

Dr.Subhasri Balakrishnan explained the medical aspects of abortions, distinguishing the gestational period and the types of methods used. Her talk included displaying medical abortion and manual vacuum aspiration kits to facilitate understanding of the clinical procedures.

Dr.Alka Barua explained the socio-cultural contexts in which women get pregnant and seek abortion and the barriers to access that women experience at different levels – individual, familial, community, health systems and policy and programme level.

Dr.Mala Ramanathan explained the existing limitations in estimating abortion rates from the National Family Health Survey 5 (2019-21) and the need to nevertheless use existing data, taking into account data limitations to produce evidence for women's limited access to abortions.

The YouTube links for this symposium sessions can be accessed at: <https://www.youtube.com/watch?v=Vcg00YWDrk8>

The second event of the day was a workshop, facilitated by Dr.Souvik Pyne, alumnus, AMCHSS, Chairperson, CommonHealth and Lead for policy engagement and safe abortion, TYPF. He introduced the participants to the contexts in which women seek and get or fail to get access to abortion. This workshop included group work to demonstrate the inbuilt socio-cultural biases that emerge in prioritising access to abortion for women.

September 30th, 2022: Global aspects of abortion

Ms.Anubha Rastogi spoke of the changes in the abortion law wrought by the Supreme Court's ruling on X vs Principal Secretary, Health and Family Welfare Department, Government of National Capital Territory (NCT) of Delhi and Others (Anr). The judgement dwells on the issue of uniformity of access to abortion for both married and unmarried people for the same gestational age.

Ms.Payal K Shah spoke of the overturning of the Roe vs Wade ruling by the June 24 2022 judgement of the Supreme Court of the USA and its implications for access to abortion across various states in the USA. She mentioned the implications of the various state laws restricting access to abortion gaining

currency in the absence of federal legislation and the absence of evidence based public policy that characterises the current policy and program landscape in the USA.

The YouTube links for this symposium sessions can be accessed at: <https://youtu.be/4L7X5Ign-Aw>

Question and Answer Sessions

September 28th, 2022

- *What is legal and what is not for abortion?*

The questions related mostly to the legal aspects of abortion provision as to whether the surrogate mother is included under the ambit of the MTP Act. The response from Ms.Rastogi was that all women who want termination, as long as they meet the conditions are covered under the Act.

The participants also raised the issue of the adolescents' access to MTP services. It was clarified that consensual sexual activity with minors is treated as rape under Protection of Children Against Sexual Offences (POCSO) act and an offence is registered. In case of abortion a First Information Report will have to be registered by the Registered Medical Practitioner (RMP) under the prevailing regulations.

- *Can providers deny a request for MTP? Will not the subjectivity of RMPs affect access?*

Another question related to the right of abortion providers to refuse to provide the service. The response was that while courts have upheld the responsibility of RMPs to provide the service and not refuse to offer it, MTP is not a right and often RMP's subjective decisions to offer/decline to offer does prevail.

The questions also raised the RMP's subjectivity that could be involved in interpreting the clauses such 'grave injury to mental health' and 'failure of contraception'.

- *What is the extent of use of abortion in the country? Why are there no valid estimates?*

Participants also raised the issue of the reported under estimates of abortion in the country. The market for abortion pills is about INR 8,000-10,000 million. Thus, there is a clear difference between what is reported by women and what could be the reality. Abortion pills are under Schedule H category, but are available as Over the counter (OTC) drugs, estimation becomes difficult. It was pointed out that the Guttmacher study had used National medication abortion drug sales and distribution to estimate potential abortion rates in India.

September 30th, 2022

- *What is the law about the scope of this amendment – does it include transpeople?*

The law says it is applicable to all persons.

- *What is the interpretation of the law with respect to minors and adult woman? What if a young person or minor does not wish an abortion whereas the guardians do, does the law allow for the young person to find support through state agencies? Or alternatively, if a woman does not wish to keep a pregnancy but the husband wants her to keep the pregnancy, what would happen?*

It was clarified that it is illegal to force anyone, including a minor to undergo abortion. The current ruling allows for an adult woman to undergo an abortion and the decision is that of hers and spousal consent is not necessary.

- *What are the advocacy efforts on in the USA to attempt to make abortion more accessible?*

The overturning of the Roe vs Wade by the Supreme court rendered all the pre-existing laws on abortion across states of US valid (when they had not been repealed at the state level). This had created an uneven landscape for access to abortion with some states having no access to access when the life of the woman is threatened to some states where there is access.

Vote of thanks

Dr.Mala Ramanathan, acknowledged the support from the computer division to conduct the symposium in hybrid mode and the Medical Illustrations Unit, SCTIMST for enabling photographic documentation. The support of the Director, SCTIMST and Head, AMCHSS in enabling the conduct of the symposium were also acknowledged.

Summary of participants during the sessions

	Sept 28 2022		Sept 30 2022	
	Registered	Participated	Registered	Participated
Online through CISCO Webex	135	6 participants and 4 speakers	150	6 participants and 3 speakers
Through Youtube	NA	27		6
MPH 2021	15 F and 7 M	12 F and 7 M	15 F and 7 M	7 F and 2 M
MPH 2022	19 F and 7 M	16 F and 5 M	19 F and 7 M	7 F and 5 M
PhD students	15 M and 20 F	3 M and 2 F	15 M and 20 F	2 F and 3 M
AMCHSS Faculty and staff	NA	7 F(1 speaker) and 3 M(1 speaker)	NA	1 F
Others	NA	1 M and 1 F	NA	2 F
Total online participants	35		Total online participants	15
Total offline participants	57		Total offline participants	27

Contextualising abortion access in India-Global changes and Indian realities'

SEPT 28 2022: PANEL DISCUSSION ON MTP SITUATION IN INDIA



Participants at the Symposium



Chair of the session: Dr.Rakhal Gaitonde, (background)Dr.Jissa VT, Dr.Mala Ramanathan, Dr.Souvik Pyne, Dr.SubhaSri Balakrishnan



Dr.Subha Sri Balakrishnan



Participants at the Symposium



Dr.Mala Ramanathan



Group work during the workshop facilitated by Dr.Souvik Pyne

SEPT 30 2022: GLOBAL ACCESS TO ABORTION

