

## ***Reproductive Rights of Women : A Study***

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*Since ancient times, women have struggled with the right to have children. Due to the moral, ethical, and theological implications, these rights have historically generated considerable controversy. In addition, women and men seem to be differentiated by their procreative capacities. Do women have any say in how many children they have? Is it up to women to decide if, when, and how many children to have? Is a safe abortion a right for women? Sexuality and reproduction can they be separated? The women's health movement first appeared in various regions in the early 1970s due to a resounding "NO" to many of these queries. Human rights are freedoms that must be guaranteed to everyone without exception. Freedom is based on the understanding that every member of the human family has inherent worth and is entitled to the same unalienable rights. The right to life is the most significant human right. No exceptions are allowed because it is a fundamental human right. The right to an abortion is an example of such a*

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*topic. Every mother is thought to have the right to an abortion; it is regarded as a universal right among other women's rights. Secondary data gathered from numerous sources have been used in this essay.*

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## **1. Introduction**

The practice of abortion has existed since before civilization emerged. Women have sought abortions for various reasons, including being too young or old, weak or unsuitable physically, becoming pregnant outside of marriage, or having an excessive number of children from the beginning. First, the woman tried to hide the abortion because she felt she was tampering with nature. Later, as society advanced, the abortion seeker experienced social consequences and moral judgment. Historically, all major religions forbade abortion as a sin against God.

Abortion raises powerful emotions and firmly-held ideas. However, equitable access to safe abortion procedures is a person's fundamental right. Moreover, where abortion is safe and legal, nobody is forced to have one. In contrast, women are forced to carry unplanned pregnancies to term in nations where abortion is illegal and unsafe, or they run the risk of experiencing severe health consequences or even death. Women's organizations have fought for the right to access safe and legal abortions for many years; today, their demands are being backed by an increasing body of international human rights legislation. The conclusion that women have the freedom to make their own decisions on all aspects of reproduction, including the issue of abortion, is necessitated by international human rights legal instruments and authoritative interpretations of such treaties.

In most international human rights accords, reproductive freedom is recognized as a fundamental human right. However, in contrast to India, many other nations do not accord women the same basic rights to procreate. The time is now, 70 years after India attained its freedom, to assess the status and "space" that women in that country currently enjoy. From being compelled to stay in the domestic home sphere to their current revival as superwomen. A woman in our country has gone through it all. India's path to emancipating women has been tremendously dramatic.

## **2. Methodology**

In this article, secondary data has been used, collected from various sources i.e. magazines, newspapers, Journals, and various websites.

## **3. Reproductive Rights : A Part of Human Rights**

In the middle of the nineteenth century, feminists and socialists began to advocate for the right to reproductive freedom as a pillar of women's political and personal independence. Because of contemporary reproduction methods, couples can plan for a child, when to have one, and how many to have. Reproductive rights are integrally tied to the delicate issues of women's rights, autonomy, and right to decide about their bodies. In all liberal democracies, reproductive rights have been recognized as a part of human rights.

At the "International Conference on Human Rights in 1968," the UN considered the procreative right for the first time. A group of 12 special rights known as procreative precedence includes the rights to life, liberty, personal security, and health, including sexual and reproductive health. The freedom to select whom to marry, to have an equal number of children, and to decide how many children to have and when. The freedom from sexual and gender-based violence; the right to equality and freedom from discrimination; the right to put an end to practices that are harmful to women and girls; the prohibition of torture and other inhumane, cruel, or humiliating treatments or punishments; access to information on family planning; sexual and reproductive health education; and the right to benefit financially from scientific advancements.

Reproductive rights cover a range of civil liberties protected by international treaties. Here are some of them:

### **3.1 Right to Health, Reproductive Health and Family Planning**

According to the human rights document, having access to reproductive and general health care is a fundamental human right. In international human rights law, reproductive health is a novel notion. It's still being done in terms of how to say it clearly. Today, even the government is demonstrating its concern for health, shifting its focus from the demographic problem to the needs of the public regarding their reproductive health, such as by providing facilities for safe and affordable family planning methods like contraceptives,

maternal and child health services, etc. The right to health is a far broader idea than this. One must be in a social and economic position to choose between reproductive and reproductive health services.

### **3.2 Right to Decide the Number and Spacing of Children**

All couples and individuals have the fundamental right to choose freely and responsibly the number and spacing of their children and the knowledge, education, and resources necessary to do so, according to the 1974 World Population Conference in Bucharest. In the final Beijing Declaration of the International Conference on Population Development, the couple's right to choose the number and spacing of their children was recognized. With modern family planning methods, women can now plan their pregnancies. However, it is estimated that 350 million couples worldwide lack access to the family planning services they need.

### **3.3 Right to Marry and Start a Family**

Marriage, becoming a parent, or both can be the beginning of a family. According to an international agreement, every person has the legal right to marry and start a family. However, early marriage is a concern of the Human Rights Convention, which also noted that a high maternal death rate could affect early marriage. To prevent early childbirth, which could put both the mother's and the child's mental and physical health at risk, legislation has set the age at which girls and boys can legally be married.

### **3.4 Right to be Free from Gender Discrimination**

In accordance with the Women's Convention, rules that hinder women from exercising any of their fundamental liberties or human rights on an equal footing with males are considered to be discriminatory against them. In addition, legal protection against gender-based violence, such as marital rape, domestic abuse, and sexual harassment at home and work, is also a part of the right to reproductive freedom.

### **3.5 Right to be Free from Sexual Assault and Exploitation**

Sexual exploitation and violence are not permitted, which is another aspect of reproductive rights. In this case, sexual assault and exploitation include public and private actions, such as domestic abuse, marital rape, job harassment, etc.

### **3-6 Right to Modify Custom that Discriminate against Women**

Reproductive freedom guarantees the right to change gender-discriminatory customs because it is one of our fundamental human rights. The right of women to be free from harmful practices like female genital mutilation and circumcision is thus guaranteed by this. A concerted effort has been made to eradicate detrimental societal and cultural norms that undermine women's worth, respect, and development.

### **3-7 Right to Life, Liberty and Security**

The ability to enjoy one's right to life is paramount to realizing all other rights. For example, the right to life and security extends to everyone's ability to maintain their physical integrity, giving them the freedom to decide whether to have children and feel secure in and control their bodies. In addition, it gives women the power to decide whether to engage in sexual activity or not, as well as whether to carry a pregnancy to term.

### **3-8 Right to Privacy**

The word "privacy" is difficult to define. Simply put, it refers to a person's right to be shielded from direct physical intervention into their private life, family concerns, or information dissemination. It is a fundamental human right and every person's justifiable expectation. In many nations, the right to privacy is acknowledged.

### **3-9 Right not to be Subjected to Torture or Other Cruel, Inhuman or Degrading Treatment**

Today, this right is understood more broadly to include the right to safeguard an individual's integrity, including their bodily and mental health as well as their dignity. For the protection of women's reproductive rights, this amplification is important. Regarding women's inherent dignity and reproductive rights, it placed a strong emphasis on their respect, protection, and fulfilment. The most severe type of violation of women's reproductive rights is coercive reproduction, which includes forced pregnancies, pregnancies brought on by rape, etc. It requires that a woman be subjected to torture or other inhumane, brutal, or humiliating treatment.

### **3-10 Right to Enjoy Scientific Progress and to Consent to Experimentation**

In cases of infertility for either partner or both, several reproductive technologies can assist a couple in becoming parents. The couple's infertility issue has been resolved via invitro-fertilization, surrogacy, cloning, etc. Through measures such as sterilization, abortion, contraception, etc., scientific techniques also assist women in preventing unintended pregnancies. Thanks to scientific advancements and experiments, women now possess tools to control their bodies or their reproductive capability. These advancements have given women a sense of freedom to enjoy their reproductive capabilities, but there is also concern that these technologies could be used in ways that would violate women's rights and independence.

## **4. Aspects of Women's Reproductive Health Needs and Health Care**

Poor health infrastructure, the caliber of the delivery system, and its responsiveness to women's demands are only a few of the factors that negatively impact reproductive health. It is important to note that the following social, economic, cultural, and biological aspects all contribute to the gradual expansion and advancement of reproductive rights in India :

- ▶ Gender is ingrained in every civilization on a social, economic, and cultural level. Fertility, mortality, and migration studies using demographic data have primarily focused on women as child-bearers.
- ▶ The Primary Health Care approach is the framework in which India's healthcare program operates. The policy of health care delivery system's overarching goals are to provide universal coverage and make it possible for the entire population to access the services. Maternal and Child Health Services, Reproductive and Child Health Project (RCH), and Family Welfare Program are three health care initiatives designed specifically for women.
- ▶ Obstetric and gynecological problems, such as reproductive tract infections, cervical cell alterations, and genital prolapse, are persistently under-treated during pregnancy and the birth of a child.

- ▶▶ Medical facilities in India are ill-equipped to handle issues with reproductive health. For example, there aren't many diagnostic facilities, the service providers aren't well-trained, and there are no available medications to address any problems.
- ▶▶ There has been a substantial gap in legislative concern for adolescents' reproductive health. Adolescents have high levels of sexual activity, which can occasionally lead to pregnancy at a young age. Once they become pregnant, they are abandoned at their most vulnerable.
- ▶▶ The Family Planning Research and Programme committee, often known as Apex, was established in India and held its inaugural meeting in Bombay in July 1953. The Committee adopted a complete perspective on family planning and recommended that "family planning" be used broadly to include birth control, child spacing, and other holistic factors. The group presented many suggestions, including opening family planning centres for sex education, marriage counselling, marriage hygiene, Planned Parenthood, and infertility concerns across the nation.

## **5. Challenges of Women's Reproductive Health Needs and Health Care**

The main challenges of women's reproductive health needs and health care are as follows :

- ▶▶ According to data from UNICEF India and the World Bank, India has some of the highest maternal fatalities worldwide. Every year, 45,000 women in India lose their lives due to pregnancy-related causes, or one every 12 minutes on average.
- ▶▶ The third most common reason for maternal mortality in India is unsafe abortions. Studies have revealed that around one-third of pregnancies in India are aborted, and half of those pregnancies are unplanned. Yet, in public or private health institutions, just 22% of abortions are performed.
- ▶▶ This is exacerbated by the scarcity of safe abortion facilities, especially in public hospitals, stigma, and negative attitudes toward women in general and young, single women in particular.
- ▶▶ Although there is no legal necessity for parental or spouse approval, doctors refuse to perform abortions on young women

or insist they obtain it first. Unfortunately, this leads many women to have illegal and frequently dangerous abortions.

- ▶▶ The Medical Termination of Pregnancy Act 1971 only permits terminations up to 20 weeks. Therefore, women must approach a medical board and courts to get approval for an abortion if an unintended pregnancy has progressed above 20 weeks, which is very challenging and time-consuming.
- ▶▶ Non-medical worries about the financial burden of raising a child, the impact on job choices, or any other non-personal issues are not considered by the legislation.

## **6. Conclusion**

The institution of the family, on the other hand, is unquestionably as old as humanity itself. The idea of the family played a vital role in the growth of human civilization. Because men and women had little knowledge about family planning in the past, there were many families. However, social, cultural, and economic patterns have evolved globally. As a result, people began to consider the standard of their lives. Because of this, there is now a growing concern on a national and international level regarding the health of women's reproductive systems, and reproductive rights are now considered fundamental human rights. As a result, the government has recently promoted family planning programs to improve quality of life through higher living standards.

In a society, where daughters or daughters-in-law are expelled from the house for having a girl child. There is no social or economic security for women, where dowries are still bad despite the dowry prohibition Act, and where women constantly worry about being sexually harassed both inside and outside the family. Reproductive rights can be a valuable tool for people to improve their social status and emotional, financial, and cultural stability when lacking.

Women have historically been viewed universally as the weaker sex. However, women's rights and positions have steadily improved in the modern era. Various laws and policies have been passed to empower women or perhaps to better many women in general. There are many laws in place to protect their interests, but what is necessary is an honest desire to carry them out and the severe application of those laws that already exist. Even if population planning regulations, legal rulings, mass media, and global human



rights activists all support reproductive rights, they sometimes do so in a way that empowers women. Today, it is imperative to guarantee the protection and advancement of women's reproductive rights in all spheres.

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