**Background note for Press Conference on**

**“Reproductive Rights and Access to Contraception in India”**

**IWPC (Indian Women's Press Corps), 5, Windsor Place, New Delhi**

**Sep 16 2016, Friday at 11 am**

In a landmark judgment on 14th September 2016, the Supreme Court of India, while hearing the case of Devika Biswas v Union of India and others (Writ petition (Civil) No.95 of 2012), directed the Central government to end all mass sterilization camps, a demand that has been repeatedly made by several health and women’s rights activists. The judgment marks the culmination of a four year long case filed by Devika Biswas after an incident in Kaparfora, Araria District, Bihar, where 53 women underwent sterilization procedures in unsanitary conditions, in a school, in complete violation of the guidelines for female sterilization laid down by the Supreme Court and the Government of India. The judgment notes that this is not an isolated incident and during the course of the hearings, evidence of poor quality of care during sterilization camps has emerged from other states including Chhattisgarh (where 13 women died as a result of botched sterilization operations in November 2014), Uttar Pradesh, Kerala, Rajasthan, Madhya Pradesh and Maharashtra. This judgment is remarkable in that it directs the central and state governments to stop all camp based sterilizations within three years and instead strengthen health facilities so that they are able to provide this care. The judgment also directs the governments to not set even informal targets so that health workers do not compel others to undergo “what would amount to a forced or non-consensual sterilization”. It further acknowledges the role of both the Centre and the State in ensuring that the fundamental rights of beneficiaries of the family planning program are not violated and reinforces the orders passed in Ramakant Rai v Union of India, to ensure that voluntary, good quality care is provided to women undergoing sterilization. Overall, the judgment recognizes the need for greater accountability and transparency in the family planning program.

As civil society organizations, we welcome the judgment as it centre-stages reproductive rights and accountability of the government to those rights, which we see as a positive development. However, even as we celebrate this victory, we recognize that this is only one part of a larger battle to reorient the family planning programme within a framework of reproductive rights rather than population control. Recently, we have seen a resurgence of the two-child norm in Assam, with a proposal to implement incentives for those with two or less children and excluding those with more than two children from certain benefits. The problems of poor quality of care and violation of consent guidelines are also being reported with other procedures such as the post-partum intrauterine contraceptive devices (PPIUCD)s, which, as per field reports, are being inserted stealthily after institutional deliveries. Moreover, the family planning program is still focussed almost entirely on married women, while completely neglecting male responsibility and the needs of young people and adolescents.

Even as the Supreme Court calls for a moratorium on camp-based mass sterilizations, several such concerns remain, and the task is far from finished. Population control is still the primary concern that drives the family planning program which is still focussed almost entirely on women – this is something that just an SC judgment won’t change. What this requires is a change in mindset of policy makers, health care providers and people at large. As part of the FP 2020 goals, India has committed to providing contraceptive services to 48 million additional users. Given the reality of non-adherence to quality of care guidelines, what is the government doing, to ensure that the health, lives and rights of women are not being jeopardized in the pursuit of this endeavour?

In this light, we call for reorientation of the family planning program to meet the contraceptive needs of India’s population, in a manner that respects their individual rights. We call for the government of India to immediately implement the Supreme Courts orders and take efforts to stop all camps at the earliest. We also call for greater strengthening of health systems so that good quality services can be provided to all people. We also hope that the media will continue to highlight emerging concerns around the implementation of family planning programs and maintain pressure on the government for greater accountability.

 

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