

Editorial

We are pleased to present this special issue of the Journal of Exclusion Studies, dedicated to the theme of reproductive choice as a fundamental right, explored through a gender lens with particular attention to the context of the COVID-19 pandemic. This special issue is an outcome of the national webinar organized by the Centre for Women's Studies, Maulana Azad National Urdu University (MANUU), in collaboration with the National Commission for Women (NCW), held on December 15, 2021. The webinar brought together scholars, activists, and policymakers to deliberate on the critical issues surrounding women's reproductive rights in India, especially in light of the disruptions caused by the pandemic.

The theme of reproductive choice as a fundamental right is deeply rooted in the broader discourse of human rights and gender equality. Reproductive rights encompass a spectrum of civil, political, economic, and social rights, from the right to health and life to the rights to equality, non-discrimination, privacy, information, and freedom from torture or ill-treatment. Recognizing reproductive choice under Article 21 of the Indian Constitution, which guarantees the right to life and personal liberty, underscores its significance as a fundamental human right.

Despite India's pioneering legal and policy frameworks guaranteeing access to abortion and contraception, substantial gaps remain between policy and practice. Women, particularly from marginalized communities, continue to face significant barriers in accessing quality reproductive healthcare and exercising their reproductive choices. The COVID-19 pandemic has exacerbated these challenges, highlighting existing inequalities and creating new obstacles to reproductive health and rights.

Background and Relevance

Reproductive rights are a cornerstone of human rights and gender equality. Recognized in various international human rights documents, these rights encompass the ability of individuals and couples to make informed and voluntary decisions about their reproductive lives. The International Conference on Population and Development (ICPD) Programme of Action (1994) & the Beijing Platform for Action (1995) both underscore the importance of reproductive rights as integral to the attainment of sexual and reproductive health.

In India, while the Constitution guarantees the right to life and personal liberty under Article 21, which implicitly includes reproductive rights, the ground reality reveals significant gaps. Despite progressive legal frameworks like the Medical Termination of Pregnancy (MTP) Act and policies promoting access to contraception, women and girls continue to face barriers in exercising these rights. The COVID-19 pandemic has exacerbated these challenges, revealing and amplifying the systemic inequalities that undermine women's health and autonomy.

Impact of COVID-19 on Reproductive Rights

The pandemic has had a profound impact on public health systems globally, and in India, it has laid bare the vulnerabilities and inequities in accessing healthcare. Women,

particularly from marginalized communities, have borne the brunt of these disruptions. The lockdowns and restrictions led to a sharp increase in domestic violence, unemployment, and a severe lack of access to reproductive health services, including contraception, safe abortion, and maternal care.

Reports indicate that the pandemic disrupted contraceptive use for millions of women, resulting in a significant number of unintended pregnancies. The conversion of maternity wards into COVID-19 treatment centers and the classification of abortion services as non-essential further jeopardized women's health. These disruptions underscore the urgent need for a robust, gender-sensitive health system that ensures the continuous availability and accessibility of reproductive health services.

Judicial Responses and Legal Framework

The judiciary in India has played a pivotal role in recognizing and upholding women's reproductive rights. Landmark judgments, such as the Puttaswamy judgment, have affirmed women's constitutional right to make reproductive choices as part of their personal liberty under Article 21. The Rajasthan High Court's 2020 judgment further emphasized that a woman's "reproductive choice" is a fundamental right, highlighting the need for policies and legal frameworks to support this right comprehensively.

Webinar Highlights

The national webinar provided a platform for in-depth discussions on the various dimensions of reproductive rights. Dr. Rekha Sharma, Chairperson of NCW, delivered the keynote address, emphasizing the intersection of societal norms, religion, and women's autonomy. She highlighted the importance of education in empowering women to make informed reproductive choices and called for a societal shift to respect women's rights over their bodies.

Panelists like Dr. Mamatha Raghuveer Achanta shared empirical insights from their work with rape survivors, underscoring the critical need for legal and medical support for these vulnerable groups. The discussions also delved into the role of healthcare providers, the challenges posed by restrictive abortion laws, and the importance of comprehensive sex education in breaking down societal taboos.

Objectives and Expected Outcomes

The primary objectives of this special issue are to:

1. Sensitize and create awareness about women's reproductive health issues, rights, and choices.
2. Assess the impact of COVID-19 on women's reproductive health and propose actionable strategies to address these challenges.
3. Provide a medico-legal discourse on women's reproductive health as a fundamental right.

4. Highlight the role of health educators and professionals in promoting reproductive rights.
5. Develop a comprehensive plan of action to improve reproductive health services for women.

Through this special issue, we aim to integrate gender equality and human rights-based approaches into the discourse on reproductive rights. We hope to contribute to policy implications and advocate for a more inclusive, equitable, and just society where women's reproductive choices are respected and protected.

The paper *Indian Public Health System Response to Reproductive Health Need for Rural Women: An Analysis of NFHS Round 5 Data* by Abid Siraj provides a comprehensive analysis of the efficacy of India's public health system in addressing the reproductive health needs of rural women, based on data from the National Family Health Survey (NFHS) Round 5 (2019-2021). The paper delves into the various factors affecting reproductive health, including fertility, family planning, maternal and child health, and adolescent health. It evaluates the impact of key government interventions such as Janani Suraksha Yojana and Mission Indradhanush, highlighting both successes and persistent gaps in service provision. By examining trends, determinants, and disparities in reproductive health outcomes, this paper offers evidence-based policy recommendations aimed at enhancing the reproductive health status and rights of rural women in India. The insights and findings from this analysis are critical for informing future health policies and ensuring equitable access to reproductive health services across rural regions.

Mamatha Raghuv eer Achanta in her paper titled *Reproductive Rights and Abortion Access for Rape Survivors: An Examination of Legal and Social Challenges in India* addresses the critical issue of reproductive rights for women and girls in India, with a particular focus on rape survivors. Despite the existence of legal provisions such as the Medical Termination of Pregnancy (MTP) Act, 1971, the actualization of these rights remains fraught with challenges. Societal stigma, legal hurdles, and inadequate healthcare infrastructure often prevent survivors from accessing the services they are entitled to. Drawing extensively on the insights and experiences of Mamatha Raghuv eer Achanta, a seasoned advocate for women's and girls' rights, this paper explores the complex landscape of reproductive rights in India. Achanta's work with Tharuni and the Bharosa centres provides a rich empirical basis for understanding the obstacles faced by rape survivors. Through her lens, we see how cultural practices, legal inadequacies, and systemic failures converge to silence and marginalize survivors. This paper not only highlights the pressing issues but also proposes comprehensive reforms aimed at ensuring reproductive autonomy and justice. It underscores the importance of creating awareness, sensitizing medical professionals, and reforming legal and healthcare systems to better support survivors. By doing so, it aims to contribute to the broader discourse on human rights and gender equality, advocating for a society where every woman and girl can exercise her reproductive rights freely and safely.

Mala Ramanathan's through her paper *"Infertility: An Unfinished Agenda in Reproductive Rights for Women in India,"* explores the persistent challenges and unmet needs in addressing infertility within the framework of reproductive rights. She emphasizes how despite India achieving replacement-level fertility rates, significant disparities persist, particularly impacting marginalized populations and rural communities. The paper underscores the critical role of reproductive rights, as outlined in the 1994 International Conference on Population and Development (ICPD), in ensuring women's autonomy over their fertility choices. Ramanathan argues for a comprehensive reproductive health approach that includes accessible infertility care alongside contraceptive services, advocating for public sector provisioning to mitigate the privatization and financial barriers currently hindering access. The discussion is framed within the context of evolving global reproductive health policies and highlights the societal stigma attached to infertility, predominantly affecting women.

The paper *"Sexual and Reproductive Rights of Women Post COVID 19"* by Vina Vaswani explores the impact of COVID-19 on the sexual and reproductive rights of women. It highlights the various challenges faced by women, including socioeconomic consequences, lack of access to reproductive healthcare services, increased gender-based violence, and the disproportionate burden on frontline workers. It emphasizes the importance of incorporating a gender-sensitive approach in policymaking and addressing the intersecting factors that influence women's experiences during the pandemic. This paper underscores the importance of prioritizing women's health and rights in public health responses to ensure equitable and inclusive recovery.

Sanghmitra Acharya in her paper *"Women's Rights and Covid-19: Gaps and Challenges"* provides a comprehensive overview of the challenges faced by women regarding their sexual and reproductive rights during the COVID-19 pandemic, drawing on insights from various speakers and referencing scholarly sources. It discusses the historical context of reproductive health conferences and the evolution of reproductive rights discourse, highlighting the intersectionality of gender, health, and development issues. The evolution of reproductive rights and health from early international conferences to contemporary challenges highlights the ongoing struggle for equitable access to health services. The insights provided by Acharya underscore the importance of a rights-based approach that considers the intersectionality of gender and social disparities. Achieving universal reproductive health requires sustained efforts and global cooperation, particularly in the aftermath of the COVID-19 pandemic.

The paper titled *"Challenges Faced by Women Healthcare Workers during the COVID-19 Pandemic"* by Swathi Rane delves into the multifaceted challenges faced by women healthcare workers during the COVID-19 pandemic, with a particular emphasis on reproductive health issues. The pandemic has exacerbated existing vulnerabilities and introduced new obstacles for these essential workers. By examining the literature, conducting qualitative interviews, and analyzing quantitative data, this study provides a comprehensive overview of the socio-economic, mental, and physical health challenges

experienced by women in the healthcare sector. The findings underscore the urgent need for gender-sensitive policies, improved access to reproductive health services, enhanced safety protocols, robust mental health support, and inclusive decision-making processes. This research aims to inform policymakers and healthcare administrators about the critical interventions required to support women healthcare workers and ensure a resilient and equitable healthcare system in the future.

Mamatha Raghuveer Achanta's paper titled "*Child Abuse and the POCSO Act: A Comprehensive Analysis*" offers an in-depth analysis of child abuse in India within the context of the POCSO Act. Child abuse remains a pressing issue in India, affecting a significant portion of its youth population. In response to this pervasive problem, the Protection of Children from Sexual Offences (POCSO) Act was enacted in 2012 to provide a specialized legal framework aimed at safeguarding children from sexual offenses. Through meticulous examination of legal provisions, case studies, and implementation challenges, Achanta underscores the critical importance of the POCSO Act in addressing child sexual abuse and advocates for enhanced measures to ensure its effective enforcement. This scholarly work not only elucidates the procedural aspects and scope of offenses under the Act but also emphasizes the imperative of societal awareness and supportive frameworks, such as the innovative 'Bharosa' initiative, in promoting the protection and rehabilitation of child victims.

The paper, "*Vulnerability of Women and Child Trafficking: Prevention is the Need of the Hour*," by Mohd Husain explores the alarming prevalence and multifaceted nature of human trafficking. It emphasizes the urgency of addressing this global issue, which severely impacts men, women, and children through forced labour and sexual exploitation. Despite various initiatives and international protocols, such as the United Nations Global Initiative to Fight Human Trafficking (UNGIFT) and the Trafficking Victims Protection Act, the paper argues that traditional approaches have only had a minimal impact on this pervasive crime.

Highlighting India's dual role as both a source and destination for trafficked individuals, the paper delves into the complexities of trafficking, including its links to structural violence, poverty, and lack of livelihood options. It underscores the critical need for a comprehensive understanding of trafficking and calls for renewed efforts in prevention, prosecution, and victim protection. The paper also sheds light on the socio-economic, political, and cultural factors that contribute to trafficking, and the roles played by corrupt officials in perpetuating this crime. It concludes with a call for a holistic, multi-sectoral approach to combat trafficking effectively, emphasizing that law alone cannot address the deep-rooted issues underlying human trafficking. The author advocates for global leaders and organizations to address the pre-trafficking conditions to create a safer and more just world.

Key Discussions and Suggestions

The webinar featured notable speakers who brought diverse perspectives and expertise to the discussions. Dr. Rekha Sharma emphasized the importance of recognizing

women's rights over their bodies and reproductive choices, highlighting the intersection of society and religion in denying these rights. Prof. Shahida stressed the need for a gender-sensitive approach in health services, pointing out the significant barriers women face in accessing quality reproductive health care.

Key suggestions from the webinar included:

- **Legal and policy reforms:** Revisiting existing laws and policies to ensure they are women-centric and address the socio-cultural barriers that women face.
- **Gender sensitization:** Integrating gender sensitization into the education system to foster an unbiased and equitable society.
- **Improved health services:** Enhancing the availability and accessibility of reproductive health services, including safe and legal abortion, comprehensive contraceptive methods, and maternal health care.
- **Community involvement:** Engaging community health workers, such as ASHA workers and nursing staff, in spreading awareness and providing reproductive health services.
- **Intersectional approach:** Adopting an intersectional approach to understand and address the multifaceted challenges faced by women, particularly those from marginalized communities.

Thus, the special issue titled “*Reproductive Rights & Gender Concerns*” aims to shed light on the critical issues surrounding women's reproductive rights, especially in the wake of the COVID-19 pandemic. By bringing together the insights and recommendations from the webinar, this issue seeks to contribute to the ongoing discourse on gender equality and reproductive justice. It underscores the need for urgent policy interventions and societal shifts to ensure that women's reproductive choices are respected and upheld as fundamental human rights.

We, the editors, hope that this special issue will serve as a valuable resource for scholars, policymakers, and activists working towards gender equality and reproductive justice. By highlighting the voices and experiences shared during the webinar, we aim to foster a deeper understanding and commitment to advancing women's reproductive rights in India and beyond.

We extend our heartfelt gratitude to all the contributors, reviewers, and participants of the webinar for their invaluable insights and dedication to this critical issue. It is our hope that this special issue will serve as a significant resource for scholars, policymakers, and activists committed to advancing women's reproductive rights in India and beyond.

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