

GENDER DIMENSIONS ON HUMAN RIGHTS WOMEN'S RIGHTS IN 21ST CENTURY – PERTAINING WOMEN'S REPRODUCTIVE RIGHTS AND RIGHT OF CHOICE

DASYAM SUVARNA KUMARI

Abstract: Fundamental Rights are a generally regarded set of legal protections in the context of a system, where in such system is itself said to be based upon this same set of basic, Fundamental or Inalienable "Rights,". The Concept of Human Rights has been promoted as a legal concept in large part owing to the idea that human beings have such Fundamental Rights that transcend all jurisdictions but are tropically reinforced in different ways and with different emphasis within different legal systems. As per United Nations Universal Declaration of Human Rights, The following are few of the recognized rights. Right to self determination, Right to liberty, Right to due process of Law, Right to Freedom of Movement, Right to Freedom of Thought, Right to freedom of religion, Right to freedom of expression, right to peaceably assemble, Right to freedom of association, Right to Marry.

part from the above rights Gender Rights are very important. Gender Differences between women and men are affect the Structure, Institutions and values of a given society. To varying degrees in all societies discrimination against women is systematic and is reflected in the structure and functioning of the legal and economic systems, political Institutions, Processes, religious, Cultural systems and family systems. Not giving women the right of choice and voice has been systematic in all the countries. This paper explores Woman's Rights to conceive at their will, have choice on their reproductive systems and the Right to have a choice. All around the world due to religious influences, educated women are not given a choice of early term abortions and this Fundamental Human Right is completely neglected in 21st century today.

This paper also points out how secular countries like USA India, and advanced countries such as Ireland, Britain still fall short in making this a national and international issue to achieve a fundamental prochoice rights to women in 21st century.

Introduction: As the Sanskrit saying goes "Matru Devo Bhava, Pitru Devo Bhava," Indian Culture and Vedas show Mother as God as they create the world. Women create the world, Women bear a child for 9 months, Nurture first in the womb and then once she has birthed the child, she give the child the things it needs to grow and mature into a healthy being capable of living an independent adult life. Woman has this unique capability of making the world and woman should have a choice of contraception and reproductive rights.

However women need to have a right to have legal selective abortion specially in the first trimester in situation 1) when they are not mentally ready to take care of new born 2) When they are in distress 3) Due to social and financial circumstance and any other situations where she is not ready to bring in additional responsibility into the world.

Pro choice is essential. But what is Pro Choice?: To be "pro-choice" is to believe that individuals have unlimited autonomy with respect to their own reproductive systems as long as they do not breach the autonomy of others.

A comprehensive pro-choice position affirms that all of the following must remain legal:

Contraception use/Birth control: Abortion, for the first two trimesters of pregnancy; and Childbirth.

Reasons for women to have a choice: A child being born to an unfit mother can also cause the child problems in early and later life. According to the FSU Center for Prevention and early Intervention, the children of adolescents are more likely to be born prematurely and 50% more likely to be low-birth weight babies. Children of adolescent mothers grow up with

more health problems than children of mothers who are twenty and above. Surveys of parent's reports on their children have shown that 38% of children of mothers who are twenty and above. Surveys of parent's reports on their children have shown that 38% of children born to adolescent mothers had "excellent" health, as compared to 60% for children born to mothers over twenty. Of all ages, children born to young mothers are at the greatest risk for being the victims of child abuse or neglect, including foster care. These children have a higher risk of growing up with aggressive behavior. Being born to a teen mother also has effects on the cognitive growth of a child. A study of children ages four to fourteen showed that the children born to the youngest teen mothers did worse on test and were more likely to be held back a grade. Only 77% of children born to adolescent mothers complete high school, as compared to 89% of children born to mothers over twenty-one The facts do no lie; children born to young mothers are at a disadvantage from the onset of life. These children do not choose this, and it is not their fault. Aborting the mass of cells developing into a child could prevent a lot of misery for both the mother and child alike. How would it make you feel to be an unwanted child? No child deserves that.

Many children born to mothers of unwanted pregnancies grow up with less than ideal conditions. Children born as a result of unwanted pregnancies often grow up in mother-only families, in poor neighbourhoods, and under conditions of poverty. Teenagers in particular often do not have the resources available to raise a child. Raising a child in poor conditions only contributes to a poor quality of life for

that child (Maynard 54). It is not fair for a mother to be forced to raise a child whom she cannot support. Imagine how the mother feels when she cannot feed her child. Imagine how the child feels growing up with barely what they need to survive, knowing nothing more than canned foods and a poor neighbourhood. This world already has a population problem, and more poverty than there needs to be. Mothers without adequate means to support a child should have the option to abort.

The right to choice is important, because preserving one's life can sometimes mean killing another. There are situations where a mother's body is not prepared for a pregnancy, nor delivering a baby. Forcing them to carry the pregnancy to term can result in the death of the mother. This is most often seen when teenagers accidentally conceive, but whose bodies are not mature enough to carry a child. For example: the teenager is a normal girl; she has friends and family and is involved in high school activities. Due to her size, age, and physical maturity, she is not able to carry a baby to term. In the state that she lives in abortion is illegal. She dies delivering the baby. The death of a teenager is always tragic; the entire community is in mourning. The responsibility of the newborn falls on the family, who is already having trouble coping with the loss of their daughter.

What about victims of incest or rape? Rape is already an emotionally traumatic experience. Should women be forced to raise the child of their rapist? The emotional effects of such could seriously hinder the relationship between a mother and her baby. Another reason that abortion is an important option for young mothers is because being pregnant in high school can be socially crippling. Physiologically, teenage girls are not mature enough to emotionally handle pregnancy. According to The National Campaign To Prevent Teen Pregnancy (United States), only one third of pregnant high school students receive a high school diploma; 80% of them end up on welfare. Then pregnancy also contributes to mental health problems, such as depression, which sometimes leads to suicide. All of these things could be avoided by providing the girl with the opportunity to choose abortion, thus resulting in a happier and more successful life.

Many people are against abortion because they believe everyone has the right to live. The belief is that every unborn child is a human, and thus has the right to life, liberty and the pursuit of happiness. A baby takes its first breath when it exits the womb. Air is the very essence of life, without which we would not be able to survive without the mother after it left the body. Even then, the chances for survival are very low. Thus the baby is a part of the mother, and she has the right to do with her body as she wishes. People also argue that it is the killing of a person. According to United States law it is not. United States law states that personhood begins at birth, thus aborting a fetus is not killing a person. Religion also says that abortion is morally wrong, but

not everyone has the same belief system. People who believe that it is in God's will to allow the baby to live, may do just that. The problem is that a lot of people do not believe in God, and a lot of people feel that God's will is to do what is best for both the mother and child. It is not right to force religion, or God's will on anyone. Humans also have the power of will, and thus can believe whatever they want. There is nothing wrong with choosing to keep a baby, but the choice should be left to the mother and only the mother. Not God, not the father, and not family.

When it comes right down to it, abortion is an important option for all mothers to have the ability to exercise at their own will. The people that are against abortion have the choice to not abort. Those who differ in religious and moral beliefs, like we all do, should have the freedom to practice what they think is right and moral; they should not have to live based on the belief systems of others. If a mother feels that it is harmful to her health mentally or physically, the baby's health, or that by carrying the pregnancy that the child would have to grow up in poor conditions; she should have the choice to do what she wants with her baby. It is not fair for anyone to tell a woman what to do with what is rightfully hers.

Religious and cultural barriers of the pro choice issue: One of the most controversial issues in the Countries today is the right for a woman to choose whether or not to abort a pregnancy. People who call themselves Pro-Life feel that it is the government's responsibility to preserve all life, regardless of concerns for the pregnant woman's health, or for the quality of the life of the child. What politicians on both sides of the debate of pro life vs pro choice generally fail to acknowledge is the religious nature of the conflict.

If one believes in an immortal soul that is implanted at the moment of conception, and if personhood is determined by the presence of that immortal soul, then there is little difference, in effect, between terminating a week-old pregnancy or killing a living, breathing person. Rational members of the pro-life movement do acknowledge that there is a difference in intent-abortion would be, at worst, involuntary manslaughter rather than murder-but the consequences, i.e. the death of a human person, are regarded by pro-lifers in much the same way.

Religious Pluralism and the Obligation of a Secular Government. The trouble is that the United States government cannot acknowledge the existence of an immortal soul implanted at conception without taking on a specific, theological definition of personhood.

A recent incident in Ireland reinstates that the whole world no matter how educated and how advanced we are in science lack in providing fundamental Pro choice rights to woman. This incident below is testimony of how society as a whole failed.

Savita Halappanavar (Picture referred below), a 31 year old citizen of India, originally from Belgaum, in the

Indian State of Karnataka, and who was working in Ireland as a dentist, died at University Hospital Galway. She was suffering from a miscarriage when she was some 17 weeks pregnant on 21 October. She repeatedly asked for an abortion, but was told that, because Ireland was a “Catholic country,” she could not have one while the foetal heartbeat was still present, although it was non-viable. The foetal remains were removed several days later on 24 October. Savith Halappanavar suffered septicemia and organ failure and died a few days later on 28 October 2012.



The issue is doctors need to know when they can intervene and this fundamental women’s right of Savita where she did plead the doctors to abort the foetus to save her life and it was completely ignored due to the countries policies.

More women could die in Irish hospitals in a manner similar to Savita Halappanavar unless legal clarity is provided for doctors on when they can intervene to terminate a pregnancy, the HSE report into her death has warned.

The Pro-Choice argument feels that a woman should have autonomy and choice when it comes to what they wish to do with their own reproductive system, as long as the choice does not harm others. The reason it is important for a woman to be able to choose is because the lack of choice could lead to social and medical problems for the mother, health problems for the child, and a poor environment for the child to grow up in. Every woman has the right to do what they want with their body, and every child should be a wanted child. The majority of the arguments against the right to be able to choose are religious reasons against the termination of the potential for life. The Center for Reproductive Rights has published a map of the world that color codes every country according to the status of its abortion laws. relatively unrestricted; red countries only allow it in cases where a woman’s life is in danger or not at all. In between are yellow and orange countries. When you look at this map, it is impossible not to be struck by the obvious segregation of pro-choice countries and anti-choice countries into other

board categories – poor countries, conflict-prone versus relatively peaceful, modern versus not, and so on. Now compare this map with numbers from the UN’s gender inequality index (table below) (<https://data.undp.org/dataset/Table-4-Gender-Inequality-Index/pq34-nwq7>).



Source: Center of reproductive rights (http://reproductiverights.org/sites/crr.civicactions.net/files/documents/AbortionMap_2011.pdf).

As you’ll see, green countries are those where abortion is legal. The index is calculated for each country by looking at maternal mortality, teen pregnancy rate, contraceptive use, antenatal care, percentage of births attended by a skilled professional, and the levels of female education, employment, and government participation. The top five countries with the lowest inequality include the Netherlands, Denmark, Sweden, Switzerland, and Norway—all “green” pro-choice countries. Countries with lower rankings have more inequality, with the worst ranked* being Yemen, the Democratic Republic of Congo, Niger, Mali, and Afghanistan – all “red” anti-choice countries. **Reproductive and abortion rights in India:** India is moving forward in terms of educating women on reproductive options such as contraception. Indian penal code supports selective abortions in case of mental health and other situations. Indian abortion laws are much more protective to the woman and mother and they are not as backwards as religious countries. Religious culture society should have an open discussion on pro choice as a human right for woman.

Conclusion: Woman’s Right to reproduce is a fundamental right built into genetic make up of a woman. Religious or countries political choices and stands have nothing to do with this specific gender rights. Preserving life is essential but irrespective of religious inclinations of a country, these pro choice rights to protect woman’s health should be fought for and having a pro choice is key for success of generations. Preserving and fighting for this right is essential for future existence.

Gender Inequality Index

Table 4: Gender Inequality In...

See attachment for dataset notes, definitions, and sources

| | 2012 HDI | Name | Type | Country | C2012 Gen | 2012 Gen | 2010 Matr | Adolescer | 2012 Seal | 2 |
|----|----------|------------------------|----------------|---------|-----------|----------|-----------|-----------|-----------|---|
| 1 | 1 | Norway | Ranked Country | NOR | 5 | 0.065 | 7 | 7.4 | 39.6 | |
| 2 | 2 | Australia | Ranked Country | AUS | 17 | 0.115 | 7 | 12.5 | 29.2 | |
| 3 | 3 | United States | Ranked Country | USA | 42 | 0.256 | 21 | 27.4 | 17 | f |
| 4 | 4 | Netherlands | Ranked Country | NLD | 1 | 0.045 | 6 | 4.3 | 37.8 | |
| 5 | 5 | Germany | Ranked Country | DEU | 6 | 0.075 | 7 | 6.8 | 32.4 | |
| 6 | 6 | New Zealand | Ranked Country | NZL | 31 | 0.164 | 15 | 18.6 | 32.2 | |
| 7 | 7 | Ireland | Ranked Country | IRL | 19 | 0.121 | 6 | 8.8 | 19 | |
| 8 | 7 | Sweden | Ranked Country | SWE | 2 | 0.055 | 4 | 6.5 | 44.7 | |
| 9 | 9 | Switzerland | Ranked Country | CHE | 3 | 0.057 | 8 | 3.9 | 26.8 | |
| 10 | 10 | Japan | Ranked Country | JPN | 21 | 0.131 | 5 | 6 | 13.4 | |
| 11 | 11 | Canada | Ranked Country | CAN | 18 | 0.119 | 12 | 11.3 | 28 | |
| 12 | 12 | Korea (Republic of) | Ranked Country | KOR | 27 | 0.153 | 16 | 5.8 | 15.7 | |
| 13 | 13 | Hong Kong, China (SAR) | Ranked Country | HKG | .. | .. | .. | 4.2 | .. | |

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| | 2012 HDI | Name | Type | Country | C2012 Gen | 2012 Gen | 2010 Matr | Adolescer | 2012 Seal | 2 |
|-----|----------|-----------------------------|----------|---------|-----------|----------|-----------|-----------|-----------|---|
| 196 | | Very high human development | Quartile | | .. | 0.193 | 15 | 18.7 | 25 | |
| 197 | | High human development | Quartile | | .. | 0.376 | 47 | 45.9 | 18.5 | |
| 198 | | Medium human development | Quartile | | .. | 0.457 | 121 | 44.7 | 18.2 | |
| 199 | | Low human development | Quartile | | .. | 0.578 | 405 | 86 | 19.2 | |
| 200 | | Arab States | Region | | .. | 0.555 | 176 | 39.2 | 13 | |
| 201 | | East Asia and the Pacific | Region | | .. | 0.333 | 73 | 18.5 | 17.7 | |
| 202 | | Europe and Central Asia | Region | | .. | 0.28 | 28 | 23.1 | 16.7 | |
| 203 | | Latin America and the Carib | Region | | .. | 0.419 | 74 | 70.6 | 24.4 | |
| 204 | | South Asia | Region | | .. | 0.568 | 203 | 66.9 | 18.5 | |
| 205 | | Sub-Saharan Africa | Region | | .. | 0.577 | 475 | 105.2 | 20.9 | |
| 206 | | Least developed countries | Region | | .. | 0.566 | 394 | 90.9 | 20.3 | |
| 207 | | Small island developing sta | Region | | .. | 0.481 | 193 | 61.1 | 22 | |
| 208 | | World | World | | .. | 0.463 | 145 | 51.2 | 20.3 | |

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1. United Nations – 2013 Human Development Report – <http://hdr.undp.org/en>
2. http://reproductiverights.org/sites/crr.civicactions.net/files/documents/AbortionMap_2011.pdf
3. Wikipedia – Savita Halappanavar

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Lecturer in Political Science, Govt Degree College Mulugu, Warangal Dist, Andhra Pradesh- Inida-506010.
dasyamsuvarna@gmail.com