HUMAN TRAFFICKING AND FEMALE FOETICIDE
Introduction

Three little girls crowd around a dust-bin in rural Central India. Anyone can tell you from just a glance at them that they are excited at something. In their minds, as it appears, they have found a doll. It doesn’t matter that their much coveted doll is sitting nestled in a pile of rotting garbage: what counts is that the doll is amazingly life-like. Its skin is just like ours, they think to themselves as they see the gray-pink skin on the doll. It’s got hair and nails too! They admire the lifelike wispy hair and half-moon nails. They take turns carrying it, playing mother couldn’t have been more fun. All of a sudden, the head of their village turns up before them, and snatches their doll in a swipe. He chides the little girls and then tells them the harsh truth. This is no doll. It is a baby girl that was once alive: run along, he tells them, or meet the same fate.1

Being born a girl in India, as many such stories will show anyone, comes with a challenge in many families. A heady mix of culture, tradition and empty belief culminate in a demand for the male child, for a girl is not a preferred choice. If anything, a girl is perceived as a liability for many, many families in India, while a boy is seen as an asset. To families that are ridden by poverty and schooled in a warped cultural ideology, a girl is perceived as an extra mouth to feed and an economic burden since she cannot work as a male child can, and since her marriage would demand the payment of a dowry. This drives many families to avoid the girl child at any cost: right from killing her in the womb to killing her after she is born. Foeticide, or the killing of a girl in the womb at the foetal stage, drove the enactment of legislation to ban methods used to determine the sex of a foetus – except that parallel avenues emerged illegally to carry out the practice. In the event that a girl is allowed to live, she is married off at 12, or 13, even before she can say “adult”. She gives birth to her first child within the first year of her marriage, and then mothers many, many more in the years to come.

In India, being female is a risk factor: the sword of patriarchy, socio-economic deprivation, rape, sexual violence, harassment and domestic violence looms large over her head. For many girls, these are huge barriers to education. Families that are poor have to make a choice between educating their sons and their daughters. Blindly, they choose to educate their sons, and that doesn’t take them further. The part of the narrative of socio-economic growth that they do not realize is that educating a girl is the equivalent of educating the family.

Against this backdrop, it is no surprise that there is an increase in the trafficking of women. In 2011, 15,000 Indian women were bought and sold as brides in areas where foeticide has led to a lack of women. The killing of women obviously creates a glut in the sex ratio, which in turn leads to increased trafficking of women and girls.

In this paper, I will be exploring the issues of Female Foeticide and Infanticide and then proceeding to evaluate the connection they have with the phenomenon of Human Trafficking, particularly of women and girls. I will argue that, while accounting and accepting the fact that several other factors account for and encourage the thriving of trafficking of women and girls, the occurrence of female foeticide and infanticide have a major role to play in keeping the trafficking of women alive, in that they create a paucity of women.

Understanding Female Foeticide and Infanticide

A combination of warped ideologies and the reliance on technological advancements such as ultrasound and early-term abortions has culminated in the practices of foeticide and infanticide. Foeticide, as the name suggests, refers to the killing of a foetus. Infanticide refers to the killing of infants. The specific targeting of the female foetus or infant in pursuit of killing them in the womb or outside it, respectively, are the practices of female foeticide and female infanticide. Both practices stem from a preference for the male child. The process involves the determination of the sex of the foetus, which is often done through amniocentesis, following which the confirmation of a female foetus is often met with unsafe abortion techniques, or a full term pregnancy after which the child is killed within hours of being born. In an attempt to identify the sex of the foetus, three kinds of pre-natal diagnostic tests are put to use - amniocentesis, chronic villi biopsy (CVB) and ultrasonography. Amniocentesis is meant to be used in high-risk pregnancies especially in women over 35 years, while CVB is meant to diagnose inherited diseases like thalassaemia, cystic fibrosis and muscular dystrophy among other conditions. In India, Ultrasoundography is the most commonly used technique, which is expected to be used to identify abnormalities in the foetus, but is often used to identify the sex of the foetus.

The roots of foeticide stem from cultural practices that are often seen as being tied with Hinduism. The practices of foeticide and infanticide stem from a preference for the male child – for the dictates of certain cultural and ritualistic practices that require the involvement of male progeny. A culture that hinges on patriarchy and primogeniture involving the male child has seldom any importance accorded to a girl child. The practice is only among the more recent manifestations of a long history of gender bias. There are a huge web of factors that feed into these practices, such as the commercial value for the medical fraternity that black-market abortion services, and even rampant consumerism that encourages sexism and the continued reiteration of stereotypes.

The occurrence of foeticide is often justified by a “spurious argument that abortion of a partially developed foetus is a more humane act than the gruesome act of female infanticide.” Sons – especially in the context of some of the more traditionally male dominated communities in India – are perceived as assets and as breadwinners who will take care of the family, have the right over the family’s property, and the right to perform the last rites of the parents and continuing the family’s name after the parents’ time – both of which find a lot of importance and significance in specific cultural realms. As for daughters, they are most often considered liabilities, for whom families have to pay substantial wedding dowries, while protecting their chastity becomes a major concern in the face of rampant sexual violence and rape, besides fearing the possibility of voluntary pre-marital sex – all of which are considered as factors that bring “shame” upon the family.

Considering the use of technology, diagnostic means and the lack of a legal sanction behind prohibiting female foeticide, the Indian legislature banned the use of pre-natal sex determination for the purpose of abortion a penal offence. Despite the fact that laws have made India’s pre-natal gender tests illegal, the 2011 census in India has indicated the futility of the efforts made to curb female foeticide. India’s overall female-to-male ratio, it appears, has not improved much since 2001, when the last census was conducted. In May 2011, Lancet, a British Medical Journal indicated that over 12 million Indian girls were aborted in the womb over the last three decades in the country – resulting in a skewed child sex ratio of 914 girls for every 1000 boys, as opposed to 962 in 1981.

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In the beginning, the government banned its own hospitals and departments from using pre-natal sex determination techniques for the sake of abortion a penal offence. This immediately paved the way for the commercialisation of the technology in private establishments where amniocentesis was practiced unabashed. With time, the government decried as punishable any establishment’s conduct of sex-determination, and indicated a mandatory placement of a poster to the effect that each healthcare centre undertook and declared that it would not carry out such practices. This then led to the black-marketing of the technology, and testing began to prevail unchecked in all kinds of areas – areas where they did not even have clean water. In order to avoid sanction and penalty, portable ultrasonic machines travelled to the doorstep of the pregnant woman’s house to determine whether her child was fit to live or not, all depending solely on foetal sex.

Prenatal sex determination was banned in India in 1994 because of the sex-selective abortions and foeticides it resulted in, recognising that sex-selective abortion has its roots in India’s long history of strong patriarchal influence in all spheres of life. The Pre-conception and Prenatal Diagnostic Techniques (Prohibition of Sex Selection) Act, 1994 governs Prenatal Sex Determination in India. It was enacted to stop female foeticides and to alter the declining sex ratio in India. The act banned prenatal sex determination. The main purpose of enacting the act is to ban the use of sex selection techniques before or after conception and prevent the misuse of prenatal diagnostic technique for sex selective abortion. By this act, the offences are listed as including the conducting or helping in the conduct of prenatal diagnostic technique in the unregistered units, sex selection on a man or woman, conducting PND test for any purpose other than the one mentioned in the act, sale, distribution, supply, renting etc. of any ultrasound machine or any other equipment capable of detecting sex of the foetus.

The Act prohibits sex selection, both, before or after conception. It regulates the use of pre-natal diagnostic techniques, like ultrasound and amniocentesis. These methods, by this act, are allowed to be used only to detect genetic abnormalities, metabolic disorders, chromosomal abnormalities, certain congenital malformations, haemoglobinopathies and sex linked disorders. By the act, no laboratory or centre or clinic should conduct any test including ultrasonography for the purpose of determining the sex of the foetus; and, no person, including the one who is conducting the procedure as per the law, will communicate the sex of the foetus to the pregnant woman or her relatives by words, signs or any other method. Any person who puts an advertisement for pre-natal and pre-conception sex determination facilities in the form of a notice, circular, label, wrapper or any document, or advertises through interior or other media in electronic or print form or engages in any visible representation made by means of hoarding, wall painting, signal, light, sound, smoke or gas, can be imprisoned for up to three years and fined Rs. 10,000.

Female Foeticide and Human Trafficking: The unholy connection

Simply put, female foeticide has led to an increase in human trafficking.

The relation is very easy to understand. When there is a continued campaign of killing girl children in the womb or within a few hours after they are born, there is a sharp reduction in the number of women. This in turn makes the state of affairs a case of “paucity” of women, where there aren’t enough brides or potential brides for men to marry, procreate and carry the names of their families forward. As ironic as it is, these are the very men who decide that daughters are worth killing, and yet search high and low or a woman to marry so she can bear him sons. All the while, these men remain either oblivious to where uneducated, or unwilling to accept if educated, the fact that the chromosome structure of the man in a couple is what decides the sex of the child.

Female foeticide obviously results in a drop in the sex ratio, which becomes skewed towards men. With the lack of women being a slowly burgeoning issue, it has led to the trafficking of women – particularly in the rural parts of the country – where trafficked women are subjected to forced marriages. As the UNICEF puts it, “decades of sex determination tests and female foeticide that has acquired genocide proportions are finally catching up with states in India”.14

A UN commissioned report on Human Trafficking in Haryana,15 a state in North India, indicates that this phenomenon is particularly rampant in the said region.16 It appears that women are brought in from other states where foeticide isn’t rampant, such as in the states of Assam and West Bengal, to the regions where the phenomenon thrives unhindered. The report indicates that these marriages are often projected as voluntary ones, where the girls themselves are lured into marriage under the promise of a happy life to a rich or affluent family.

Owing to female foeticide and infanticide, there are skewed sex ratios - for instance, Punjab has 893 females and Haryana has 877 females per 1000 males. This in turn creates a scarcity or paucity of women, making it next to impossible to find a bride for every man. In the process, they resort to “importing” a bride. The demographic situation in these states is in a terrible state of imbalance – and continues to fall in line with such a state of affairs because of the continued occurrence of foeticide and infanticide. This will continue to prevail for many years, and stabilising it in a state of normalcy may take years to accomplish. The shortage of women has encouraged the growth of organised trafficking rackets that

14 http://www.unicef.org/india/media_3285.htm
16 http://www.thehindu.com/features/metroplus/society/unwanted-women/article4944481.ece
have begun operating in many states in India. The continued decline in the child sex ratio in India is evident by a cursory comparison of the census figures. In 1991, the figure was 947 girls to 1000 boys. Ten years later it had fallen to 927 girls for 1000 boys. Since 1991, about 80% of districts in India have recorded a declining sex ratio with the state of Punjab being the worst. In 2011, 15,000 Indian women were bought and sold as brides in areas where foeticide has led to a lack of women.

Despite these horrific numbers, foetal sex determination and sex selective abortion by unethical medical professionals has today grown into a Rs. 1,000 crore industry (US$ 244 million). Social discrimination against women, already entrenched in Indian society, has been spurred on by technological developments that today allow mobile sex selection clinics to drive into almost any village or neighbourhood unchecked.

The report also makes a grim warning. It may take even more than 50 years for these states to reach their natural sex ratio even if the Government ensures that not a single sex determination and subsequent foeticide or infanticide occurs in the State. The demand for girls of a marriageable age will be even more intense in the coming years and the demand will be sought to be met by inter-State marriages.

**Conclusion**

A phenomenon like female foeticide does not occur in a vacuum: the entire process of sex-selective abortion of female foetuses involves the collusion of everyone around the process, including families, doctors, legal authorities and the women themselves – who most times are forced to fall in line with warped ideas of patriarchy colouring their mindset. To top it all, is a rather incongruous line of thinking that colours the fabric of the Indian social structure and tradition which inculcates and encourages the desire to beget a male child even at the cost of having an unborn girl child murdered. It might be dystopian to consider the possibility of a world where there would be no women – it has been imagined and portrayed in films as well – and yet, the practice that continues untrammelled only shows that we might land up in such a spot sooner or later. Addressing female foeticide and infanticide is an urgent need of the hour: there are simply one too many ramifications that can and do stem from it. The continued occurrence of human trafficking may have several factors that account for it – but as the paucity of women and girls continues to be on the rise, there is every threat that the trend of human trafficking will only continue unabashed. This requires not just a policy and legislative transition, but also a very systematic approach to re-working mindsets and inculcating a paradigm shift in attitudes towards being in favour and acceptance of women and girls.

17 [http://www.unicef.org/india/media_3285.htm](http://www.unicef.org/india/media_3285.htm)