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Ordo Iuris Institute for Legal Culture position for the Human Rights Council – 94th Pre-Session Working Group of the CEDAW Committee on India

The Ordo Iuris Institute would like to present its position on India's compliance with the provisions of the Convention on the Elimination of All Forms of Discrimination against Women (CEDAW), with particular emphasis on the practice of sex-selective abortion.

1. Legitimacy of the Institute

The Ordo Iuris Institute for Legal Culture is a professional think tank bringing together lawyers involved in the protection of human rights. The statutory objectives of the Ordo Iuris Institute include conducting research on legal culture, conducting and supporting scientific research, and promoting it through the organization of lectures, symposia, discussion meetings, and conferences. In the past, the Ordo Iuris Institute has submitted its opinions to, among others, the Venice Commission, the Monitoring Committee of the Council of Europe, and the European Parliament's Committee on Civil Liberties, Justice, and Home Affairs (LIBE). It has also submitted numerous opinions to the Secretary General of the Council of Europe, the Commissioner for Human Rights, the Political Affairs and Democracy Committee of the Council of Europe, the UN Human Rights Council, as well as to supreme and constitutional courts and tribunals in countries such as Brazil, Chile, and Croatia.

The Foundation is accredited by the European Parliament (registered under number 206499215012-94) and actively participates in the legislative decision-making process. In addition, Ordo Iuris has consultative status with ECOSOC at the UN. The Institute monitors the situation and responds in real time whenever something important arises in areas of interest to it. Ordo Iuris sends numerous memoranda to members of the European Parliament and the European Parliament. In 2019, representatives of the Institute participated in a summit in Nairobi co-organized by UNFPA as one of only two



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organizations protecting fundamental human rights. Ordo Iuris experts have published numerous analyses and reports, usually including legislative proposals.

2. The context and issues surrounding selective abortion in India

Sex-selective abortion is widespread in India, rooted in deeply ingrained socio-cultural preferences for male offspring. This is the result of complex factors, such as traditional superstitions, economic aspects (the perception of men as the breadwinners of the family), and the burden of dowry costs when marrying off a daughter¹.

According to data from India's National Statistical Office (National Family Health Survey - NFHS-5, 2019-2021), the sex ratio at birth in some Indian states was 912-929 girls per 1,000 boys, which is significantly below the natural ratio of approximately 950-975². This uneven sex ratio at birth reflects the impact of selective abortion practices and other forms of prenatal discrimination.

A 2022 Human Rights Watch report highlights that despite the introduction and enforcement of the Pre-Conception and Pre-Natal Diagnostic Techniques (PCPNDT) Act, which aims to prohibit selective sex diagnosis and abortion, numerous violations continue to occur³. Weak enforcement, corruption, and social pressure to have male offspring mean that this discriminatory practice remains one of the main challenges to the realization of women's rights in India.

This phenomenon has profound demographic and social consequences, leading to gender imbalance, which is associated with further problems such as increased

¹ <https://www.pewresearch.org/religion/2022/03/02/son-preference-and-abortion/> (access: 21th August, 2025).

² <https://www.dhsprogram.com/pubs/pdf/FR375/FR375.pdf> (access: 21th August, 2025).

³ <https://www.hrw.org/world-report/2023/country-chapters/india> (access: 21th August, 2025).



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violence against women, human trafficking, and difficulties in getting married, which further perpetuates systemic discrimination against women.

3. Violations of the CEDAW Convention

The practice of sex-selective abortion constitutes a direct violation of several key provisions of the CEDAW:

- **Article 1** Article 1 defines discrimination against women as any distinction, exclusion, or restriction based on sex that impairs their enjoyment of human rights on an equal basis with men. Sex-selective abortion directly deprives female fetuses of their fundamental right to life and development, constituting a grave violation of this principle and denying girls the opportunity to exist and thrive.
- **Article 5** mandates states to modify gender stereotypes that obstruct equality. In India, deeply entrenched pro-male biases, reinforced by cultural norms, perpetuate practices like sex-selective abortion, which devalue girls and women, marginalizing them from birth. These norms sustain systemic inequality, undermining efforts to achieve gender equity and requiring urgent action to challenge societal attitudes through education and policy reform.
- **Article 12** requires states to eliminate discrimination in healthcare and ensure access to appropriate services. However, social pressures often coerce women into misusing medical technologies, such as ultrasound, for sex-selective abortions. This misuse not only violates women's autonomy but also reflects a failure to protect equitable access to healthcare. States must enforce stringent regulations to prevent such practices, promote gender equality, ensure accountability, and provide support systems for women to make informed choices free from coercion, aligning with CEDAW's obligations.

A study published in The Lancet Global Health (2021) showed that gender inequalities affect women's access to healthcare, which also results in higher maternal and female



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mortality in India⁴. Furthermore, research conducted by UN Women emphasizes that selective abortions reinforce gender inequality, leading to a number of negative consequences for society as a whole⁵.

These data clearly indicate that individual and systemic women's rights are being violated in India through the practice of selective abortion. This situation means that the CEDAW Committee could help to effectively enforce respect for women's rights and eliminate gender discrimination.

4. Recommendations for the CEDAW Committee

In light of the above, we recommend that the Committee, as part of its list of recommendations for India:

- Clearly condemn the practice of sex-selective abortion as a violation of the obligations under the CEDAW Convention,
- Call on the Government of India to immediately strengthen legal and administrative measures to combat this practice, with particular emphasis on effective monitoring and enforcement of the law prohibiting selective prenatal diagnosis,
- Implement comprehensive educational campaigns to change social attitudes and stereotypes that discriminate against girls,
- Introduce subsidy programs and financial incentives for families with daughters, such as educational scholarships or tax breaks, to reduce the perception of girls as an economic burden,
- Establish publicly accessible counseling centers for pregnant women, offering psychological support,

⁴ <https://pmc.ncbi.nlm.nih.gov/articles/PMC3166246/> (access: 21th August, 2025).

⁵ <https://news.un.org/en/story/2003/10/83772-un-agency-deplores-infanticide-girls-india-praises-government-study> (access: 21th August, 2025).



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- Increase access to education for girls and women and to training programs that strengthen their social and economic position. Stronger women are less susceptible to social pressure regarding selective abortion.

We believe that the implementation of the above recommendations will be a milestone in the realization of women's rights and gender equality in India in accordance with the requirements of the CEDAW Convention.