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INDIA'S MISSING GIRLS

Chairman Smith and Members of the Subcommittee, thank you for the opportunity to testify regarding India's Missing Girls. I am the Vice President of Invisible Girl Project, a not-for-profit organization based in the United States that seeks to end gendercide—that is the genocide of the female gender, in India. Invisible Girl Project raises global awareness concerning the loss of female lives in India, pursues justice for lives lost, and assists Indian organizations in the rescue of and care for vulnerable Indian girls.

THE GLARING TRAGEDY OF FEMALE GENDERCIDE

My husband and I founded Invisible Girl Project in 2009, while we were living in India. I am an attorney, and at the time, I was working as the Chennai Field Office Deputy Director and Director of the Legal Department for an international human rights organization that rescues individuals from slavery and human trafficking. My husband, Brad McElya, a doctor of pharmacy was assisting in medical camps for the poor in South India.

While in India, Brad and I recognized a terrible reality: millions of baby girls in India are unwanted and are murdered or aborted, simply because they are girls. While visiting a rural village in South India, Brad noticed that the boys outnumbered the girls eight-to-one, which he learned was due to female infanticide (the murder of a baby girl). In that same village, he met a young woman I will call Preema¹, who was the twelfth daughter born to her parents. In desperate efforts to have a son, her mother would become pregnant, have a baby girl, and she and her husband would kill their daughter shortly after birth. Again, she would become pregnant, have a baby girl, and once again, she and her husband would murder their own daughter. Eleven times, Preema's mother delivered a

daughter, and all eleven of Preema's older sisters were murdered before she was born. Preema is the only one they allowed to survive.

WHY SO MANY GIRLS ARE MURDERED IN INDIA

In my experience both living in India and working for Invisible Girl Project, I have learned that daughters in India are unwanted for several reasons. The Indian family is the foundation of the Indian culture. Frequently, early in the lives of the children born into the Indian family, the patriarchs of the prospective bride and groom will arrange their marriage. Although dowry is illegal, under the Dowry Prohibition Act of 1961, the culture expects the bride's family to pay a significant dowry to the groom's family when the marriage eventually occurs.

This practice has continued for generations and is so deeply embedded in the culture that it prevails across the classes. Families see the marriage of their sons as a means for making money by the payment of the dowry by the bride's family. In fact, I know one bride who is a lawyer, whose father-in-law, a police officer, frequently reminds her that that he could have "gotten more money" from other families than the dowry he accepted from her father.

Families also prefer sons for another reason. Boys and their brides are expected to care for his parents. Effectively, the young bride leaves her family for her husband's, where it is her duty to care for her new in-laws and where she may be treated as little more than a domestic slave. When the groom's parents attain old age, the bride and groom are expected to continue to care for them.

Parents of daughters not only "lose" some of their wealth to dowry, but they also lose their daughters to another family, with no one to care for them in their old age. The culture, therefore, perceives girls as consumers, who take their family resources and leave. Hence, families want sons. Because daughters are perceived as liabilities, millions of families will do anything to ensure that they do not have the burden of a daughter.

INFANTICIDE AND FETICIDE ARE ILLEGAL BUT WIDESPREAD

While living in India, my husband, Brad and I read news headlines such as, "Mother, Grandmother Murder Twin Girls in Incubator"ⁱⁱⁱ just because they were girls. In one village in rural Tamil Nadu, a mother admitted on film to murdering eight of her newborn daughters.ⁱⁱⁱ And, in our work with Invisible Girl Project, we have personally met with women who have detailed stories of how gendercide has affected their families.

For example, in South India, a young woman I will call Asha told us the tragic story of the murder of her own daughter. Pregnant with her second child, her first child a girl, Asha desperately hoped that she was carrying a son. Her husband and her in-laws threatened that if she "did not produce" a son, she would have to murder her own daughter. When she gave birth to her newborn little girl, the whole family was disappointed, but Asha refused to kill her daughter. One night, during her daughter's first week of life, Asha fell asleep on the dirt floor of her home with her baby girl beside her. When Asha woke a few hours later, she immediately noticed her daughter was gone.

She says she heard a baby cry in the distance. The next morning, Asha learned that her husband and his parents took her baby to a nearby pond and drowned her.

Chandra's story is another that represents the plight of many women in India. She and her husband were married, but her family did not provide the customary dowry, as Chandra and her husband fell in love and did not have the traditional arranged marriage. She became pregnant shortly thereafter and gave birth to a daughter. When she was pregnant with her second child, her husband and mother-in-law told her they expected her to have a son. They were disappointed when Chandra gave birth to a second daughter. They pressured her to kill this baby, but she stood firm and refused to do so. She soon became pregnant again. This time, her husband beat her frequently, demanding that she give birth to a boy. Her mother-in-law continually berated her, reminding her that because she did not bring any wealth or jewels (through dowry) into the marriage, she should at least give them a son. When she gave birth to her third daughter, however, her husband and mother-in-law demanded that she kill the baby. Afraid that they would abandon her with three young girls, Chandra murdered her own newborn baby girl.

These stories of female infanticide represent only one form of gendercide. Another includes the deadly neglect of little girls. For example, Saachi's parents were "blessed" with their son Arun, before Saachi was born. Her parents live in a rural village in India. They are poor, uneducated, and rely on seasonal agricultural work to feed their family. The past few years have been difficult for agricultural workers, however, as a draught has inhibited farming. When they are employed, they support their family on less than two dollars a day. With little money or food to feed their family, Saachi's parents ensure her brother is fed before she is. If they both become sick and need medical attention, her parents will make sure that their resources help Arun receive the medical attention or medicines he needs before they are concerned with Saachi. They love their daughter, but they value their son more. As such, Saachi has become malnourished and is failing to properly grow.

Saachi's story is not unique. This type of neglect often turns fatal. As such, because of female infanticide and deadly neglect of little girls, the mortality rate for girls under the age of five in India is 75% higher than that of boys.^{iv}

Although infanticide and deadly neglect are commonplace throughout India, they do not account for the largest cause of gendercide today; rather, female feticide (the sex-selective abortion of females) does. Although sex-determination tests and sex-selective abortions are illegal in India under the Pre-Conception and Pre-Diagnostic Techniques Act of 1994 (PNDT Act)^v the law has been virtually disregarded throughout India.^{vi} In spite of the law, it is common for a woman to be pressured by her husband and her in-laws to have a sex-determination test performed to learn whether she is pregnant with a son. If she is pregnant with a girl, the prospective mother is pressured to abort the unborn baby. In fact, because of the intense and widespread intimidation women in India face from husbands and in-laws that compels them to obtain sex-determination tests, the PNDT Act not only prohibits family members from seeking a sex-determination test for a pregnant woman, but it also creates the rebuttable presumption that family members *have compelled a*

pregnant woman to obtain a sex-determination test.^{vii} Additionally, recognizing this common coercion, it provides that a woman who has been forced to violate the law shall not be punished.^{viii}

The experience of Mitu Khurana, a physician, details the common strong-arming women in India face from their families to have sons. As documented in the film, “It’s a Girl,” Mitu reveals that her husband and in-laws tried to bully her into obtaining a sex-determination test while she was pregnant. While Mitu was sick and unconscious, her doctor performed an illegal ultrasound that revealed she was pregnant with twin girls. Upon hearing the news, her husband and his parents insisted that she abort her twins. When she refused, they threw her down a flight of stairs so that she would miscarry. She and her twin daughters survived, however, and Mitu now lives as a single-mother, caring for her girls.

Although Mitu defied the pressure from her husband and in-laws to obtain a sex-selective abortion, many women do not feel they have the choice to carry their daughters. Many are forced to succumb to the societal or family pressures to abort their daughters in preference for sons. In an Indian Supreme Court opinion earlier this year, the court addressed this son-preference and the practice of sex-selective abortion, stating that “female foeticide (sic) has its roots in the social thinking which is fundamentally based on certain erroneous notions, ego-centric traditions, pervert perception of societal norms, and obsession with ideas which are totally individualistic sans the collective good.”

In this same opinion the court recognized the extensive practice of sex-selective abortion across India, in spite of the laws that preclude it.^{ix} The court noted that despite the laws in place, the “practice of eliminating female foetus (sic) by the use of pre-natal diagnostic techniques is widely prevalent in this country.”^x It addressed the central and state governments that have failed to effectively implement the PNDT Act; and therefore noted, as a direct result that the 2011 Indian Census detailed a “sharp decline in the female sex ratio” throughout the country.^{xi}

Sex-selective abortions of females are so widely practiced in India, the UN estimates that 2,000 are performed daily.^{xii} One estimate is that the lives of as many as two million female unborn babies are selectively terminated annually after sex determination tests are performed.^{xiii} Two million fewer females a year are being added to a population that already is suffering from a dramatic chasm in the sex ratio between its males and females. In fact, India’s 2011 census reported that males outnumber females in the population by approximately 37 million.^{xiv} And, the United Nations estimates that 50 million women are “missing” from India’s population.^{xv}

INDIA’S SEX RATIO LEADS TO TRAFFICKING AND VIOLENCE

This gender imbalance between men and women in India has resulted in further problems for women and girls, such as trafficking of brides, child marriage, sex trafficking, and violence against women.^{xvi}

37 million Indian men will not marry because their potential wives have been murdered, due to female feticide, female infanticide, and deadly forms of neglect. For example, in the state of

Haryana, there are few women for the men to marry, as Haryana's gender imbalance is one of the worst in India, with 879 females to 1000 males.^{xvii} Because of the shortage of brides, families bring in women from other Indian states and other countries to become wives for their sons. Out of desperation for wives, the trafficking of brides has resulted.^{xviii}

Because insufficient numbers of women are available to marry, many Indian men seek young girls to marry. In fact, 47% of girls in India are married before the age of eighteen, according to UNICEF.^{xix} The consequences of this child marriage include high maternal mortality rates, high infant mortality rates, and increased likelihoods of domestic violence and HIV for the brides.^{xx} Consequently, young married girls are denied the chance to receive educations, their health suffers and they frequently die in childbirth. Effectively, they are child slaves expected to birth sons.

Sex trafficking is another consequence of India's gender imbalance.^{xxi} When millions of men go unmarried because millions of potential brides have been killed, these single men are more inclined to purchase sex.^{xxii} Because of the demand for sex-workers and because large amounts of money can be made by brothel owners, girls and women are trafficked into the sex industry.

In my previous experience working for a human rights organization in India, I learned of a number of young women who were sold into brothels in major cities such as Mumbai and Kolkata. I learned of families who were tricked into sending their daughters away from their communities for "jobs" that would help provide money to their families, only to have their daughters forced to service up to 20 men a day in dirty brothels, far from home.

The 2013 Trafficking in Persons (TIP) Report ranks India on the Tier 2 Watch List, stating that "India is a source, destination and transit country" for victims of trafficking.^{xxiii} Trafficking has become a subject about which many Americans have become familiar. My experience in raising awareness about gendercide throughout the United States, however, has shown me that most are unaware that female gendercide in India is a root cause for much of the sex trafficking.

Another consequence of female gendercide and the resulting skewed sex ratio is violence against women. Recent Indian government reports detail rape and brutality against women and girls. In December 2012, a female New-Delhi student was gang-raped on a bus and later died.^{xxiv} In April of this year, a five-year-old girl was raped and tortured, suffered damage to her internal and sexual organs, and was found semi-conscious. She had been abandoned to die.^{xxv} These two crimes are examples of the evil frequently inflicted upon women and girls in India. Such violence against women "occurs more frequently in areas where men outnumber women,"^{xxvi} and is a byproduct of gendercide.

Another form of brutality is dowry related—the dowry death of a bride because the dowry her family paid is perceived as inadequate. India's National Crime Records Bureau recently released statistics that 8,233 women were murdered in India last year due to dowry disputes.^{xxvii} That is the equivalent of one woman being murdered every hour. Reports of these dowry deaths often detail brutality, including not uncommon occurrences of husbands or in-laws dousing a bride with gasoline and setting her on fire because they are dissatisfied with her dowry.^{xxviii}

The various and too frequent forms of violence perpetrated against girls and women in India contribute to India's ranking as the worst of the G20 countries for women.^{xxix} India's gender imbalance, the direct consequence of female gendercide, is the root for much of the violence experienced by Indian women. As long as female gendercide—infanticide, deadly forms of neglect, and feticide are practiced and accepted in Indian society the violence against India's girls and women will continue.

CONCLUSION

Although laws in India are intended to protect girls, both unborn and born, these laws are not enforced. Outside of India's Supreme Court, the political will to do so is minimal. In the same opinion mentioned earlier, the court noted that the government institutions that should be enforcing the laws to protect unborn girls were deficient in their duty. The court demanded Indian government authorities to uphold the law with "devotion, dedication and commitment," stating that there must be an "awakened awareness with regard to the role of women in a society."^{xxx}

I am currently eight months pregnant with our second daughter. Had I been born in India, I, too, would likely experience the intense coercion to either abort my daughter or murder her after her birth. In India, she would become another statistic. Here, she will be born and have the opportunity to thrive.

In the United States, we recognize that the right to life and liberty are fundamental to all. As leaders of the civilized world, we already assert ourselves by demanding that nations that accept our financial assistance must report annually about their effort to suppress trafficking of other human beings. Should these countries that are required to ensure that their girls are not being trafficked allow their girls to be systematically murdered without repercussion? No.

We must, therefore, require these recipient nations of our financial assistance to also report their efforts to prevent the killing of the most vulnerable among them and to preserve the lives of girls. Political will in India must increase to uphold the laws and protect girls' lives. Women in India must be empowered, and Indian society must be educated to understand that daughters, born and unborn, are as valuable as sons, and women's rights are human rights.

ⁱ Names have been changed to protect Invisible Girl Project's sources.

ⁱⁱ TIMES OF INDIA, October 9, 2009, available at <http://timesofindia.indiatimes.com/videos/news/Mother-grandmother-murder-twin-girls-in-incubator/videoshow/5105575.cms>.

ⁱⁱⁱ "It's a Girl—the Three Deadliest Words in the World," www.itsagirlmovie.com.

^{iv} THE TIMES OF INDIA, *India Deadliest Place in World for Girl Child*, 1 February 2012, available at http://articles.timesofindia.indiatimes.com/2012-02-01/india/31012468_1_child-mortality-infant-mortality-infant-deaths.

^v Pre-natal Diagnostic Techniques (Regulation and Prevention of Misuse) Act, 1994, available at <http://indiacode.nic.in/>.

^{vi} *Voluntary Health Ass. of Punjab vs. Union of India & Ors.*, Supreme Court of India, 4 March 2013.

^{vii} Pre-natal Diagnostic Techniques (Regulation and Prevention of Misuse) Act (PNDT Act), 1994, Chapter III, 4.4; Chapter VII, 24. Available at <http://indiacode.nic.in/>.

^{viii} PNDT Act at Chapter VII, 23.4.

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- ^{ix} Voluntary Health Ass. of Punjab vs. Union of India & Ors., Supreme Court of India, 4 March 2013.
- ^x Voluntary Health Ass. of Punjab vs. Union of India & Ors., Supreme Court of India, 4 March 2013.
- ^{xi} Voluntary Health Ass. of Punjab vs. Union of India & Ors., Supreme Court of India, 4 March 2013.
- ^{xii} CATHOLIC ONLINE, *A Real War on Women, India will abort 2,000 Girls Today*, January 15, 2013, available at http://www.catholic.org/international/international_story.php?id=49326.
- ^{xiii} THE TIMES OF INDIA, *Female Sex Ration (sic) on the Decline in Rural Madurai*, 27 July 2013, available at http://articles.timesofindia.indiatimes.com/2013-07-27/madurai/40832693_1_952-females-female-foeticide-female-infanticide.
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- ^{xvii} THE DIPLOMAT, *India: Where Are All the Girls?*, 27 August 2013 available at <http://thediplomat.com/2013/08/27/india-where-are-all-the-girls/>.
- ^{xviii} “It’s a Girl—the Three Deadliest Words in the World,” www.itsagirlmovie.com.
- ^{xix} UNICEF 2010, “Statistics” available at http://www.unicef.org/infobycountry/india_statistics.html.
- ^{xx} International Center for Research on Women, “Child Marriage Facts and Figures” available at <http://www.icrw.org/child-marriage-facts-and-figures>.
- ^{xxi} Trafficking in Persons Report, Issued June 19, 2013.
- ^{xxii} Kristi Lemoine and John Tanagho, *Gender Discrimination Fuels Sex Selective Abortion: The Impact of the Indian Supreme Court on the Implementation and Enforcement of the PNDT Act*, INTERNATIONAL & COMPARATIVE LAW REVIEW, Vol. 15 (Fall) 2007, at 223-224.
- ^{xxiii} Trafficking in Persons Report, Issued June 19, 2013.
- ^{xxiv} THE HUFFINGTON POST, “Delhi Bus Gang Rape” archives, September 5, 2013, available at <http://www.huffingtonpost.com/news/delhi-bus-gang-rape>.
- ^{xxv} THE NEW YORK TIMES, *After Rape and Neglect, a Survivor’s Family Fades into Oblivion, in Delhi*, September 3, 2013, available at http://india.blogs.nytimes.com/2013/09/03/after-rape-and-neglect-a-survivors-family-fades-into-oblivion-in-delhi/?_r=0
- ^{xxvi} Kristi Lemoine and John Tanagho, *Gender Discrimination Fuels Sex Selective Abortion: The Impact of the Indian Supreme Court on the Implementation and Enforcement of the PNDT Act*, INTERNATIONAL & COMPARATIVE LAW REVIEW, Vol. 15 (Fall) 2007, at 224.
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