

Introducing Norplant: Politics of Coercion

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Norplant, a contraceptive device which is proposed to be introduced into the family planning programme in the country, is already being used by US courts as a means of 'punishing' women and controlling their fertility.

NORPLANT, an implant which when inserted in a woman's body prevents conception for five years if it is not removed, is to be introduced into the Indian family planning programme in selected centres. This has provoked much debate and not all are happy with this decision. It is often assumed that Norplant is just another contraceptive technology and if it is inserted with proper training and with care it will be an ideal contraceptive device that is needed badly by women. Such assumptions do not interrogate the functioning of technology nor its potential to become an oppressive tool. Women need access to safe contraceptive technologies but Norplant is hardly a solution as it is most likely to cause imbalance in menstrual cycle apart from other side effects.

Norplant is much more than a contraceptive device. It can be used as a tool to control women and discipline them. Of course neither control nor disciplining is new for women nor is the usage of contraceptive technologies for the same. Women's fertility is subjected to control by societal norms, family, the government and various other forces. Hence any attempt to introduce a technology which makes them more vulnerable to control should be seen as another threat to the rights of women and their dignity.

Two days after the US Food and Drugs Administration (FDA) approved Norplant, the Philadelphia Enquirer ran an editorial suggesting that readers should think about Norplant as a 'tool in the fight against black poverty'. After protests an apology was published but the idea behind the editorial was clear. Norplant in fact became a tool to inflict punishment against a black mother. Darlene Johnson, a 27 year pregnant mother of four, was convicted of child abuse and a California judge ordered that Norplant should be implanted in her body and remain there for three years as a part of four-year probation besides a year in jail. An appeal has been filed against this.

The judicial system, which acquits the cops who severely beat Rodney King, a black, convicts a black woman by ordering the implanting of Norplant. This judgment came as a shock to many but prior to FDA's approval of the Norplant National Women's Health Network and Women of Colour groups had warned of such abuses. The National Black Women's Health Project points out that according to a Florida study the probability of black women being referred for prosecution for substance abuse during pregnancy is ten times that of white women, even though the same percentage of women in each race were actually using harmful drugs. But the case of Darlene Johnson is not unique. In 1991 a judge in Austin, Texas, as a condition of probation recommended the implanting Norplant in a woman who pleaded guilty of a child abuse charge. She suffered an adverse reaction and Norplant was removed but she underwent a tubal litigation. She did not file any appeal against the judgment or conviction but the judgment violates the fundamental right of reproductive choice and her control over her body is being negated. In 1990 a young woman in Jacksonville was convicted of manslaughter. She was sentenced to two years of imprisonment and a 10-year probation on the condition that she would use birth control while on probation. It was given under a plea bargain that she would not appeal. She and her attorney chose that as they feared that on appeal she could be convicted of a more serious crime and would be given a more serious sentence.

Sheldon Segal, who developed Norplant expressed his concern against such judgments. He said. "How does the judge know if the woman is diabetic, or has some other contraindication to the drug? That's not his business". Norplant presents a special temptation to judges because it is so long-lasting and does not require any co-operation after it is implanted, and can be monitored by a parole officer just by looking at the woman's arm" said George Annas, Director, Programme on Law, Medicine and Ethics of Boston University School of Medicine. (Newyork Times, January 31, 1991).

The Health Project also points out that given the US's past record regarding the eugenics movement, population control, sterilisation abuses and racist health care system, women of colour would view 'incentive plans' with suspicion. While the federal government do not permit funding for providing abortions it assumes 90 percent cost of sterilisation operations. This is nothing but a mockery of reproductive choice.

The following details about the various legislation's in various states indicate that in future for implanting Norplant incentives will be provided and Norplant will form part of sentences convicting women.

State Legislation

Two types of bills involving Norplant have been introduced in some states. The first proposes that the state provide financial incentives, beyond covering the cost of the implant, to encourage women who receive financial assistance to use Norplant. The second mandates that women convicted of particular crimes, usually child abuse or drug use, be required to have Norplant implanted.

Kansas : In 1991, the Kansas legislature had two bills pending relating to Norplant House Bill (HB) 2089 would have provided any woman on public assistance with a one-time grant of \$ 500 for getting Norplant implanted, as well as \$ 50 per year for each Year she used Norplant. The bill was defeated.

Representative Patric also introduced HB 2255, which would have set out a new condition of probation for women convicted of possession of narcotics. Section 4(d) of HB 2255 would have mandated implantation of Norplant for any woman able to become pregnant who had been convicted of possession of narcotics. Under this bill, the judge could not have ordered the removal of Norplant until the woman had passed random drug testing for one year. The only exception would have been if a doctor issued a statement that the woman was unable to be implanted with Norplant HB 2255 died in committee.

Louisiana : Under HB 1584, which was introduced by Representative Duke in 1991, Louisiana women on public assistance would have been given \$ 100 a year if they used Norplant. It was amended in committee to provide \$ 100 per year to any woman on public assistance who used any method of birth control, including abstinence. The bill was amended again, so that it no longer provided cash incentives for use of contraceptives. The final version of HB 1584 simply provided that Norplant would be provided at no cost to women on public assistance. HB 1584 was reported favourably out of committee in May but subsequently died in the Senate Health and Welfare Committee.

Ohio : Senate Bill (SB) 82, introduced in 1991, is still pending in the judiciary committee of the Ohio General Assembly. There have been four hearings thus far, although there has been no action for at least six months. This bill would amend the definition of a neglected child to include a child who is born addicted to a drug as the result of the mother's use of the drug during pregnancy. The bill would also make it an aggravated felony of the second degree for a woman to cause a child to be born addicted to drugs at birth. As punishment, a woman not previously convicted of child neglect would be able to choose either: (a) to complete a drug de-addiction programme, or (b) to undergo implantation of Norplant, or similar device, and agree to abstain from use of drugs for five years. If the woman has been previously convicted of child neglect, the court would

have to order the implantation of Norplant with the requirement that the woman remain drug-free for a five-year period. The bill would also require any woman convicted under this section to bear the cost of the action ordered unless she is indigent, in which case she would have to go to the department of human services to obtain funding.

South Carolina : Senate Bill 986, introduced in 1991, would require a physician to test a newborn for drugs if the physician has reason to suspect that the mother used a controlled substance during her pregnancy. If the test is positive, the physician would have to report the situation to the department of social services. A positive drug test would be recognised as prima facie evidence that the infant is abused. The department of social services would then investigate and petition the family court for relief. Once the family court has determined that the infant has tested positive for drugs, the court would have to order the woman to undergo reversible sterilisation or implantation of Norplant. The woman could have Norplant removed once she demonstrates to the judge that she has completed a drug treatment programme and has remained drug free for two years. Finally, the bill would provide immunity from civil and criminal liability for any actions carried out by the department of social services or a physician while pursuing a course of action allowed or required under the bill. This bill has been referred to the judiciary committee, but there is no immediate action planned.

Tennessee : In February 1992, Representative Steve K McDaniel introduced HB 1860, which would create a new state programme to provide a one-time payment of \$ 500 to public assistance recipients if they agree to be implanted with Norplant and additional payments of \$ 50 annually at check-up time to ensure that the drug is still working. HB 1860 was assigned to the public health subcommittee of the health and human resources committee where it is currently pending.

Senator berry Cooper sponsored a similar bill in the Senate (SB 2452). The senate bill is the same as the one introduced in the house, with one exception Senator Cooper added an amendment requiring similar benefits for Medicaid eligible persons who undergo vasectomies.

These are some developments, which indicate how Norplant is perceived by various groups and individuals. What right does a judge have to prescribe Norplant as a condition of probation? Is he aware of the contraindications and side effects of Norplant. Does he believe that Norplant is 'an ideal device for punishing a woman? In the process the whole world and the woman comes to know about the new method of disciplining deviant women.

In this context let us not forget about the (ab) uses of contraceptive technology in the third world and in India. In Bangladesh sterilisation was an 'option' during floods and women who opted for it were given incentives like clothes, money, etc. To meet FP targets coercion is used to bring women and men to the camps for sterilisation. Who can forget the dark days of a Emergency in India? Sterilisation camps were used to 'promote family planning. Resistances to such camps were countered by bullets and brutal force. Family planning was included in the 20-point programme of the Prime Minister and the five-point programme of Sanjay Gandhi. Targets for sterilisation were set at the district level where the collector was charged pursuing the new family planning goals. It was not long before the law and order machinery was also involved in 'generating' acceptance. Some states even exceeded the targets. In 1976 about 150 people died in Muzaffarpur (UP) on account of police firing and riots connected with coercive FP practices. Maharashtra even passed a bill that made sterilisation compulsory after three children. The elections of 1977 intervened and brought this exercise to an end. The defeat of Congress in 1977 was partly responsible for preventing the recurrence of such frenzied steps to curb population increase the family planning programme became family welfare programme.

But the importance of family 'planning' was accepted and increased allocation was made. Family planning is not devoid of ideology or vested interests. The neo-Malthusian paradigm now incorporates concerns like environment, women's rights into its discourse to co-opt progressive forces and sections of women's movements. Introduction of Norplant should be seen in this context and Norplant is bound to be (ab) used and not used just as a contraceptive device.

Norplant is being introduced despite the opposition from women's groups and others. Not long ago Net-en was to be introduced like this and but for the alertness of the women's groups and individuals it would have been introduced and promoted as a safe method. Since the introduction of Norplant and Net-en raises similar questions let us briefly look into the issues raised by controversy over Net-en.

No information no Net-en was made available to public particularly nor to women's groups before it was introduced. In the petition filed in the Supreme Court, Shree Shakti Sangathana and other groups pointed out:

1. ICMR was conducting the trials without any informed consent. Women recruited for the trial have not been informed about the Net-en, its possible side effects, the purpose of the trial, etc.

2. Such trials are conducted on women belonging to the lower strata of the society who are totally unaware of the whole exercise and its ramifications.
3. Women seeking abortion were also recruited for the trial and their participation is a precondition for MTP (Medical Termination of Pregnancy).

The court granted stay and the stay is yet to be vacated. Now the same ICMR is proceeding with trials for testing Norplant. About 100 medical colleges and 20,000 women are to be involved in this whole exercise. The way ICMR has gone ahead indicates that it does not want the persons opposing this to know of its plans. Invitations to attend the meeting were only for the select few and the whole exercise is being conducted in a secret manner.

Given the Indian conditions in which family welfare services are offered what guarantee is there that these would be performed with the informed consent of women. Moreover, given the contraindications and precautions to be taken before implanting. Norplant is it reasonable to expect that it would be implanted with due care and respect for the elaborate procedure? Further, if the woman desires to conceive after implantation what assurance is there that it would be promptly removed? The case studies from Bangladesh, Indonesia give a very different picture. Under these circumstances can one expect that Norplant will be administered only by trained persons?

Given the past record of target-oriented family planning strategies it is too much to expect that in case of Norplant the situation will be any different. In fact Norplant provides a 'quick' solution, a 'fit and forget' implant. It sits in the woman's body guaranteeing the state that this woman's fertility is under control. The technology thus becomes a demonic tool to control and discipline women. Norplant is one such tool that shifts the control from a woman to the outside agencies, doctors and others.

From a human rights perspective it violates the right of a woman to control her fertility. So it is no accident that devices like Norplant, injectibles like Net-en, drugs like DES are more common than methods and devices to control male fertility. The right to abortion is denied in many countries. The Tbilisi Declaration does not recognise abortion as a choice. Availability of maternal and child health care access to effective primary health care and services remain a distant dream for millions of women. Thus Norplant is an integral part of the politics of control, discipline and punishment. To see Norplant just as another device is an exercise in deception. The population establishment is happy with such an exercise and promotes Norplant as a solution to the 'problem' of

population explosion. In the process it demands that women should surrender their freedom.