

**Statement of Policies and Principles on Discrimination Against Women
and Sex-Selective Abortion Bans**

Gender-based discrimination is a deeply rooted societal problem. Where it exists, it should be condemned and addressed by both governments and private actors.

The Center for Reproductive Rights has worked for years to advance women's status as equal participants in society, and to protect women's fundamental rights, such as the rights to health, self-determination and dignity. We work toward a future in which the sex of a child is not perceived as the fundamental determinant of that child's status, potential or character. Because many reproductive health laws involve issues that are unique to the experiences of women, our work — both domestically and internationally — addresses and works to remedy discrimination and promote laws and policies that value women's lives and health

Our lawsuits around the world have challenged inequalities and injustices related to comprehensive sexuality education, contraception, female genital mutilation, child marriage, sexual violence and maternal mortality. For example, our groundbreaking [report about India's high rates of maternal mortality](#) analyzed the needless suffering of women in childbirth. The report also provided recommendations for using international and constitutional legal arguments that can be used to enhance access to healthcare for women.

Given the Center's long track record working on behalf of women's rights, we support tools that have demonstrated effectiveness in remedying discrimination against women and improving the social standing of girls. Yet the evidence on one particular set of policies — criminal bans on sex-selective abortions — shows that these bans are both inappropriate and ineffective. They do not remedy the core problem of discrimination against women and girls, and they threaten the health and human rights of women by creating additional barriers to obtaining legal abortions.

There are several reasons why we disapprove of bans on sex-selective abortions:

Bans on sex-selective abortions are ineffective. Sex-selection bans do not prevent sex-selective abortions. The bans distract from the real issue and fail to combat the underlying societal attitudes that devalue girls and underlying cultural pressures that cause individuals and couples to pursue sex-selective abortions.¹

Bans on sex-selective abortions threaten women's lives and health by making abortions harder to obtain for women who need them. Sex-selection abortion bans that contain criminal penalties make safe abortion services less available to *all* women by pressuring health care providers to restrict their practices in order to avoid possible criminal prosecution.² Therefore, they may cause some women to seek unsafe, illegal abortions.

Bans on sex-selective abortions undermine women’s autonomy and shift the focus to less effective solutions. Bans on sex-selective abortion undermine women’s autonomy and human rights by criminalizing access to safe abortion. Moreover, focusing on an ineffective solution draws attention away from measures that would remedy discriminatory policies against women and girls far more effectively. Societies must take responsibility for pervasive expressions of gender preferences and stereotypes. Simply criminalizing sex selective abortion places all the burdens of a much larger societal problem on women and abortion providers — at a high cost to women’s health and dignity.³

In the U.S., bans on sex-selective abortion are part of a hidden agenda by anti-choice groups to reduce access. State bans on sex-selective abortion are *not* passed to combat sex-discrimination or to address actual sex-selective abortion practices. Rather, they are aimed at weakening support for abortion rights within the women’s rights community. As anti-choice legal strategists have explained, these bans constitute one piece of the anti-choice movement’s long-term strategy of chipping away at women’s ability to decide whether and when to have children.⁴

Endnotes

¹ See, e.g., Bela Ganatra, *Maintaining Access to Safe Abortion and Reducing Sex Ratio Imbalances in Asia*, 16: 31 Supp. Reprod. Health Matters 90, 96 (2008); Madhu Kishwar, *Abortion of Female Fetuses: Is Legislation the Answer?* 1:2 Reprod. Health Matters 113, 114 (1993).

² See, e.g., Ganatra *supra* note 1, at 94; Kishwar *supra* note 1, at 114.

³ B.M. Dickens, *Can Sex Selection be Ethically Tolerated?* 28:6 J. Med. Ethics. 335, 336 (2002); Angela Long, *Why Criminalizing Sex Selection Techniques is Unjust: An Argument Challenging Conventional Wisdom*. 14 Health L.J. 70, 74-75, 92 (2006).

⁴ See, e.g., Steven G. Calabresi, *How to Reverse Government Imposition of Immorality: A Strategy for Eroding Roe v. Wade*, 31 Harv. J.L. & Pub. Pol’y 85 (2008) (“The key to eroding *Roe v. Wade*, then, is to pass a number of state or federal laws that restrict abortion rights in ways approved of by at least fifty percent of the public . . . I would recommend passing laws like . . . a ban on abortion for sex selection . . .”).