

An International Summit on Reproductive Choice

**LISBON
2014**

**Select Proceedings from
International Summit
on Reproductive Choice**

JUNE 4-5, 2014 | APF • BPAS • CFC

Replacing Myths with Facts: Sex-Selective Abortion Laws in the United States.



Miriam Yeung,
Executive Director,
National Asian Pacific American Women's Forum, US

From as early as the late 1990s, we have documentation of anti-abortion activists proposing that sex-selective abortion bans be a new basis for challenging the legal status of abortion in the United States. Since then, eight states have enacted laws prohibiting sex-selective abortion. Twenty-one other states and the federal government have considered laws banning sex-selective abortion in recent years.

Sex-selective abortion bans have also proven to be a useful organizing tool for the anti-abortion movement, and they do so while exposing and picking on three enduring deficits in our reproductive rights, health and justice movements.

One of these deficits is that our movement lacks strong and unifying values messages. Meanwhile, our opponents have learned from social justice and human rights and are stealing pages directly out of our playbooks. So while these sex-selective abortion bans take away women's rights, anti-abortion activists do so under the banner of feminism. Model bill language for these sex-selective abortion bans almost always begins with a coopting of human rights and feminist framing about sexism and women's equality.

A second of these deficits is that the US reproductive rights, health and justice movement is singularly focused on issues within our own borders and we are not well synced or aligned with partners working on similar issues in other countries. The converse is also true. Sex-selective practices, including sex-selective abortions, as a result of son preference is actually cause for great alarm around the world.

Our opponents have learned from social justice and human rights and are stealing pages directly out of our playbooks.

Activists in India and China are leading incredible campaigns to raise the value of women and girls. Unfortunately, some of the strong feminist language our Asian sisters developed, when placed in our US context, is being used against abortion rights. At the same time, our US-based organizations have not adequately confronted the realities of what it means to mix rampant son preference and the legal subjugation of women with greater availability of reproductive health technologies. Abortions are being used to deselect for girls in some parts of the world and this has dire consequences, not just for abortion rights.

Lastly, our reproductive rights and health movements have not adequately addressed legacies of racism and xenophobia. Women of color and immigrant women have a long and sometimes tortured relationship with the reproductive rights and health movements. While women of color depend on reproductive health access as a means for our own economic empowerment, we have also been oppressed by those same establishments – forced sterilizations and medical experimentation being two of many examples of ways women of color had their bodily autonomy stripped away.

Sex-selective abortion bans take advantage of tensions around race and immigration status.

Sex-selective abortion bans are a wedge issue that takes advantage of tensions around race and immigration status and particularly strikes at our country's hostilities toward Asian American immigrants.

Recently, the National Asian Pacific American Women's Forum (NAPAWF), along with the International Human Rights Clinic, University of Chicago Law School, and ANSIRH, a program of the Bixby Center for Global Reproductive Health at the University of California, San Francisco, published a report entitled *Replacing Myths with Facts*, which identifies six myths in statements made by legislators, testimony submitted to legislatures, and reports issued by legislative committees that have considered or adopted laws banning sex-selective abortion. (1)

While this report does not proclaim to make up for all the deficits described above, the authors did attempt to provide our movement with a systematic legal and social science analysis that takes into account both the US and international context. The following is a very short summary of those myths, an example of how they are used by anti-abortion activists, and the facts that we reveal from our analysis.

MYTH #1: Male-biased sex ratios at birth are proof that sex-selective abortions are occurring.

'What is causing the skewed ratio: abortion. If the male number in the sex ratio is above 106, it means that couples are having abortions when they find out the mother is carrying a girl.' – Quoted in a submission from United States Representative Trent Franks (R-AZ) to a hearing before the Subcommittee on the Constitution of the Committee on the Judiciary.

FACT #1: Male-biased sex ratios at birth do not provide proof that sex-selective abortions are occurring because sex selection can be achieved by artificially inseminating only sperm with the X or the Y chromosome or by implanting embryos of the desired sex into the uterus.

MYTH #2: India and China are the only countries where male-biased sex ratios exist.

'Countries with long-standing experience with sex-selection abortion, such as the Republic of India... and the People's Republic of China...' – Prenatal Nondiscrimination Act (PRENDA) of 2013.

FACT #2: Male-biased sex ratios at birth can be found in many countries throughout the world, including those with predominantly white populations. The countries with the highest male-biased sex ratios in the world are Liechtenstein and Armenia and both countries have higher sex ratios than India and China. Nonetheless, only immigrants from India and China are targeted in legislative hearings and discussions.

MYTH #3: The United States is one of the few countries in the world that does not ban sex-selective abortion.

'We are the only advanced country left in the world that still doesn't restrict sex-selection abortion in any way.' – Press release from United States Representative Trent Franks (R-AZ)

FACT #3: Only four countries explicitly prohibit sex-selective abortion: China, Kosovo, Nepal and Vietnam. Countries that are concerned about sex selection regulate the practice by prohibiting sex selection through pre-conception and pre-implantation techniques.

MYTH #4: Laws banning sex-selective abortion are an effective way to prevent sex selection and adjust male-biased sex ratios at birth.

'[T]here are regulations in here, not just to restrict abortions but to protect the victims. There is a prohibition against sex selection.... So we are saying that sex selection is not necessary.' – Statement of Pennsylvania State Representative Stephen Freind (R-PA) during a hearing of the Pennsylvania House of Representatives.

FACT #4: Our empirical analysis of sex ratios at birth five years before and after sex-selective abortion bans were enacted in Illinois and Pennsylvania indicates that the bans instituted in those states were not associated with changes in sex ratios at birth.

MYTH #5: Empirical studies of sex ratios at birth of foreign-born Chinese, Indians and Koreans prove that sex-selective abortions based on son preference are occurring in the United States.

'While it is difficult to say with any exactitude how many sex-selection abortions take place in the U.S. each year, the number is not trivial..... [W]e are talking about communities consisting of 3.9 million Chinese Americans, 2.8 million... Asian Indians, [and] 1.6 million Korean Americans[.] [T]he highly skewed sex ratios found in census surveys suggest among these groups alone, that tens of thousands of unborn girls have been eliminated, for no other reason than they are considered by some to be the wrong sex.'
– Testimony of Steven W. Mosher, President of the Population Research Institute, at a hearing before the Subcommittee on the Constitution of the Committee on the Judiciary.

FACT #5: By analyzing census data from 2007 to 2011 using statistical weights and accounting for all births we found that foreign-born Chinese, Indians and Koreans had approximately 2,772 more girls than white people from 2007 to 2011 and Asians American as a group had 3,080 more girls than white people. Moreover, when taking into account all births of Asian American families their sex ratios at birth are within the standard range.

MYTH #6: The primary motivation for laws banning sex-selective abortion in the United States is to prevent gender-based discrimination.

'The reason for opposing sex-selection is uniform: the desire to combat discrimination.' – Submission of United States Representative Lamar Smith (R-TX) to the Committee of the Whole House on the State of the Union.

FACT #6: Restricting access to abortion is the primary motivation for sex-selective abortion bans. All the bans have been proposed and supported by people who oppose abortion generally. None of the bans prohibit non-abortion methods of sex selection. Our analysis found that over 90 per cent of Republican representatives in the six states that enacted bans in the last four years voted for the laws. In contrast, only 20 per cent of Democrats voted for the bans in four of the six states. In the two states where sex-selective abortion bans achieved meaningful support from Democrats – Oklahoma and South Dakota – laws that restrict access to abortion consistently receive bipartisan support.

As one can see from the logical progression of the myths we lay out in the report, anti-abortion advocates in the United States are exploiting xenophobic stereotypes of Asian American women to pass racist anti-abortion legislation. At the same time, they are coopting feminist values and language to try to organize a base of supporters from amongst communities of color. NAPAWF is working to combat sex-selective abortion bans by organizing resistance amongst those most affected and targeted by these laws – Asian American women – and by connecting these efforts to the larger set of social justice and human rights values that informs our work.

A woman's bodily autonomy is no less connected to her experience of race, class, immigration, ability, sexuality or any other aspect of her life.

A woman's bodily autonomy is no less connected to her experience of race, class, immigration, ability, sexuality or any other aspect of her life. In order to dismantle threats to women's reproductive choice, we believe we must organize our communities to dismantle all systems of oppression.

Reference

(1) National Asian Pacific American Women's Forum, University of Chicago Law School International Human Rights Clinic, and ANSIRH. (2014) *Replacing Myths with Facts: Sex-selective abortion laws in the United States*. Available at: <https://ihrclinic.uchicago.edu/sites/ihrclinic.uchicago.edu/files/uploads/Replacing%20Myths%20with%20Facts%20-%20Sex-Selective%20Abortion%20Laws%20in%20the%20United%20States.pdf>.

Miriam W. Yeung MPA is the Executive Director of the National Asian Pacific American Women's Forum (NAPAWF), the only organization dedicated to building a movement for human rights for Asian American and Pacific Islander women in the US. With chapters in 15 cities and offices in New York and DC, NAPAWF is a multi-issue organization most recently focused on rights for immigrant women, expanding public benefits, countering sex-selective abortion ban legislative efforts in the US, and other reproductive justice campaigns.



**Associação para o
Planeamento da Família**

Rua Eça de Queirós, 13, 1º
1050-095 LISBOA
Portugal

Tel.: 21 385 39 93
Fax: 21 388 73 79

Email: apfsede@apf.pt
Web: www.apf.pt



**British Pregnancy
Advisory Service**

20 Timothys Bridge Road
Stratford Enterprise Park
Stratford-upon-Avon
Warwickshire, CV37 9BF
UK

Tel: +44 207 061 33776

Email: press@bpas.org
Web: www.bpas.org



Catholics for Choice

1436 U St., NW, Suite 301
Washington, DC 20009
USA

Tel: +1 202-986-6093
Fax: +1 202-332-7995

Email: cfc@CatholicsForChoice.org
Web: www.CatholicsForChoice.org

Printed in Washington, DC, April 2015. ISBN 978-1-936421-11-4

No article should be reproduced without permission. Please contact Catholics for Choice for reprint requests.

If you would like to reference this publication, please include the citation: Catholics for Choice, British Pregnancy Advisory Service, Associação para o Planeamento da Família, "Lisbon 2014: An International Summit on Reproductive Choice," Washington, DC, April 2015.