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Prenatal sex selection

Committee Opinion¹

Social, Health and Family Affairs Committee

Rapporteur: Mr Jordi XUCLÀ, Spain, Alliance of Liberals and Democrats for Europe

A. Conclusions of the committee

The committee welcomes the very comprehensive report by Ms Doris Stump on behalf of the Committee on Equal Opportunities for Women and Men, which deals with the sensitive issue of prenatal sex selection in a balanced way.

The committee fully supports the draft resolution and the draft recommendation. It would, however, like to propose some amendments with a view to ensuring that the harmful consequences of prenatal sex selection – rooted in persisting inequality between women and men in our societies – are made clear to all.

B. Proposed amendments to the draft resolution

Amendment A (to the draft resolution)

In the draft resolution, replace paragraph 8.6 with the following sub-paragraph:

“recommend that all relevant public authorities issue guidelines to all medical staff who work in this field so that when information is provided on the sex of the foetus – in line with existing legal regulations – such information is presented positively, irrespective of the sex of the foetus;”.

Amendment B (to the draft resolution)

In the draft resolution, paragraph 9.4, before the word “consequences”, insert the word “harmful”.

Amendment C (to the draft resolution)

In the draft resolution, paragraph 9.5, replace the words “on prenatal sex selection for medical staff”, with the following words:

“for medical staff on prenatal sex selection and its harmful consequences”.

Amendment D (to the draft resolution)

In the draft resolution, paragraph 10, before the words “prenatal sex selection”, insert the word “combating”.

1. Reference to committee: [Doc. 12258](#), Reference 3690 of 21 June 2010. Reporting committee: Committee on Equal Opportunities for Women and Men. [Doc. 12715](#). Opinion approved by the committee on 16 September 2011.



C. Explanatory memorandum by Mr Xuclà i Costa, rapporteur for opinion

1. The issue of prenatal sex selection is a very sensitive one, at the crossroads of technology, ethics and rights. The rapporteur of the Committee on Equal Opportunities for Women and Men, Ms Doris Stump, has managed to deal with this issue in a balanced way, focusing on the facts, which are harrowing: globally, hundreds of millions of women and girls are “missing” – victims of prenatal sex selection, neglect, lack of equal access to healthcare or food, abandonment, or even “femicide” (the killing of women and girls because of their sex). The rapporteur has shown that prenatal sex selection seems to be taking place even in some Council of Europe member states, in particular in the case of higher birth order children.
2. Can prenatal sex selection ever be justified? In accordance with the Council of Europe Convention on Human Rights and Biomedicine (“Oviedo Convention”, CETS No. 164), to which a majority of member states are party, “the use of techniques of medically assisted procreation shall not be allowed for the purpose of choosing a future child’s sex except where serious hereditary sex-related disease is to be avoided” (Article 14). The logical extension of this provision, in my view, is that all techniques of prenatal sex selection (be they techniques of medically assisted procreation, abortion, or other techniques – including those still to be developed) must not be allowed except where serious hereditary sex-related disease is to be avoided.
3. With this – narrow – exception, there is thus no justification for prenatal sex selection, be it as natural as a desire for “family balancing” or as odious as son preference rooted in gender inequality. The question is thus how best to combat prenatal sex selection, which is taking place on an ever-increasing scale in certain parts of the world, and is finding its way into some Council of Europe member and observer states.
4. While, in theory, prenatal sex selection can also be used to prevent boys from being born (as is sometimes the case with serious hereditary diseases transmitted on the Y-chromosome), in reality, the overwhelming use of prenatal sex selection is to prevent girls from being born. As in the case of domestic violence (where, again, men can also be victims, but the overwhelming majority of victims are women), it is thus necessary to focus on the primary reason for prenatal sex selection, which is gender inequality – as Ms Stump has clearly pointed out in her report.
5. All Council of Europe member and observer states who have not yet done so should be encouraged to sign and ratify the Convention on Human Rights and Biomedicine, and those that have done so should be encouraged to ensure that its provisions on prenatal sex selection are fully implemented. Piecemeal measures – such as withholding information about the sex of the foetus during scans in public hospitals and medical structures – are unlikely to succeed, as a private scan is all too easily arranged. It may, however, be useful to recommend that relevant public authorities issue guidelines to medical staff so that when information is provided on the sex of the foetus – in line with existing legal regulations – such information is presented positively, irrespective of the sex of the foetus.
6. In any case, the main focus of the recommendations must be on combating gender inequality, and raising respect for women and girls in society. This is a cultural paradigm shift which the Council of Europe has been fighting for decades, with impressive results in Europe despite the global backlash against women’s rights. The Council of Europe and its Parliamentary Assembly must continue this fight as a priority, even in times of budgetary restrictions.
7. In more concrete terms, women must be empowered to withstand cultural and societal pressures to “produce a son”. The more educated women are, the more they have access to their rights (including full inheritance rights, the possibility of transmitting their name and nationality to their children, and keeping their name and nationality also after marriage), the more archaic cultural practices which violate women’s rights (such as the dowry system, forced and child marriage, etc.) are eliminated, the higher the chances are that women will be able to withstand the pressures and equally proudly bear girls or boys. And that is in the interest of all.