



Doc. 13912

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The practice of prenatal selection by sex

Reply to Written question¹: Written question No. 685 (Doc. 13783)
Committee of Ministers

1. In reply to this question, the Committee of Ministers considers it appropriate to recall its reply to Parliamentary Assembly Recommendation 1979 (2011) on “Prenatal sex selection”, where it considered, *inter alia*, that prenatal sex selection undermines the fundamental values, principles and rights promoted by the Council of Europe and enshrined in the European Convention on Human Rights and the relevant protocols to it and that it is a practice which is also at variance with the general principles of gender equality. It is important to note that this is without prejudice to prenatal gender selection where serious hereditary sex-related disease is to be avoided, and also without prejudice to the way abortion is regulated in various European States. As was decided by the European Court of Human Rights in the case of *Vo v. France*, the issue of when the right to life begins comes within the margin of appreciation that States should enjoy in this sphere.²

2. The Committee of Ministers would inform the Honourable Parliamentarian that, further to the aforementioned reply, it has instructed its Steering Committee for Human Rights (CDDH), with the support of the Committee on Bioethics (DH-BIO), and in co-operation with the Gender Equality Commission (GEC), to consider and make proposals for action to be taken by the Council of Europe in this field. The Parliamentary Assembly will be informed in due course of the conclusions emerging therefrom.

1. Adopted at the 1237th meeting of the Ministers' Deputies (7-8 October 2015).

2. Literally, the Court stated (quote): “It follows that the issue of when the right to life begins comes within the margin of appreciation which the Court generally considers that States should enjoy in this sphere, notwithstanding an evolutive interpretation of the Convention, a “living instrument which must be interpreted in the light of present-day conditions”.”

