

Political Briefing: Amendments to Criminal Justice Bill that would legalise sex-selective abortion in England and Wales

Introduction

- ❖ Stella Creasy MP and Diana Johnson MP have tabled amendments to the Criminal Justice Bill that would legalise *sex-selective abortion* in England and Wales.
- ❖ Diana Johnson's amendment ([New Clause 1](#)) would disapply existing criminal law related to the accessing or procurement of abortion care from women acting in relation to their own pregnancy, meaning it would no longer be an offence for a woman to have an abortion for any reason, throughout all nine months of pregnancy, including for the purposes of sex-selection.
- ❖ Stella Creasy MP has tabled a separate amendment ([New Clause 40](#)) to the Bill that would not only allow *women to undergo* but also *doctors to perform* abortions for sex-selective reasons up to 24 weeks gestation (the current abortion time limit in the UK).
- ❖ These amendments would risk an increase in women being *pressured to have an abortion because they are expecting a girl* in communities where there may be a preference for male babies, and an increase in the number of sex-selective abortions.

What is sex-selective abortion?

- ❖ Sex-selective abortion is the practice of terminating a pregnancy based on the predicted sex of the foetus.
- ❖ Sex-selective abortions usually involve *the termination of baby girls*, often under pressure from others, and are more prevalent in certain communities.

What is the current law in the UK concerning sex-selective abortion?

- ❖ In the UK, abortions are currently permitted up to 24 weeks under certain [grounds](#), relating to the physical and mental health of the mother.
- ❖ The Government is clear that abortion on sex-selective grounds is *illegal*. Its '[Guidance in Relation to Requirements of the Abortion Act 1967](#)' states "Abortion on the grounds of gender alone is illegal" (paragraph 25).
- ❖ This assessment was confirmed in answer to a [Written Parliamentary Question](#) in this Parliament, in which a minister in the Department of Health and Social Care maintained that "*Sex selection is not one of the lawful grounds for termination of pregnancy*".
- ❖ The current law helps *protect women from being coerced into abortions for sex-selective purposes* in contexts where the woman's partner or wider family may prefer, or cultural norms may value, a male baby over a female baby.

How would these amendments change the law?

- ❖ **New Clause 1**, [tabled by Diana Johnson](#), would disapply existing criminal law relating to the accessing or procurement of abortion care from women acting in relation to their own pregnancy, meaning it would no longer be an offence for a woman to have an abortion for any reason, including for the purposes of sex-selection.
 - The explanatory note to New Clause 1 confirms that it would apply at *any gestation*, meaning a woman could perform her own abortion on sex-selective grounds throughout all nine months of pregnancy.
- ❖ **New Clause 40**, [tabled by Stella Creasy MP](#), would change the law so that where a "pregnancy has not exceeded 24 weeks", "no offence is committed under" abortion laws in England and Wales by "a woman acting in relation to her own pregnancy" or "a registered medical professional acting with the explicit consent of a pregnant woman in relation to her own pregnancy."
 - This would mean that a woman could choose to have an abortion for *any reason* up to 24 weeks without committing any offence.
 - The legal grounds for abortion would become redundant and *abortions could take place for sex-selective reasons*.
 - New Clause 40 goes further than New Clause 1 as it would also *allow doctors to perform abortions up to 24 weeks for sex-selective purposes*.

- ❖ Both amendments would *put women at risk of being pressured into having abortions for sex-selective reasons*, as they would no longer be able to appeal to the law as a reason to reject such pressure.

Is sex-selective abortion a problem in the UK?

- ❖ There is evidence that women in the UK are coming under pressure to have sex-selective abortions - and that sex-selective abortions are already happening here in the UK. This situation would likely become worse if these amendments were passed and sex-selective abortion was legalised in England and Wales.
 - A [BBC investigation](#) found non-invasive prenatal tests (NIPT) being *widely used to determine a baby's sex early in pregnancy*, leading to significant pressure imposed on some women to undergo sex-selective abortions. This evidence led the [Labour Party to urge a ban on NIPT being used to determine the sex of fetuses](#).
 - A **Nuffield Council on Bioethics** [report](#) found several websites were privately offering tests to determine the sex of a foetus, and the Nuffield Council on Bioethics warned that the *increasing prevalence of private NIPT testing* may be encouraging sex-selection. They went on to [recommend](#) that the Government stop private providers offering NIPT for foetal sex determination.
 - A **Telegraph** [investigation](#) found that doctors at UK clinics were agreeing to terminate fetuses purely because they were either male or female.
 - A [report](#) published by the **Department of Health** concerning sex-selective abortion outlined personal testimonies from women coerced into a sex-selective abortion by a third party.

What are the effects of sex-selective abortions in other countries?

- ❖ There is evidence that sex-selective abortion has been a significant issue in Canada following the decriminalisation of abortion there.
 - An article in the Canadian Medical Association Journal [outlines](#) that “easy access to abortion and advances in prenatal sex determination have combined to make Canada a haven for parents who would terminate female fetuses in favour of having sons”.

- ❖ Sex-selective abortions risk leading to profound social and demographic problems.
 - [Estimates](#) suggest there are more than *140 million missing women and girls across the globe*, in most part resulting from sex-selective abortion and postnatal sex-selection infanticide.

What does the public think about sex-selective abortion?

- ❖ A [poll](#) conducted by ComRes found that *91% of women and 89% of the general public* agree that gender-selective abortion should be explicitly banned by the law.
- ❖ On 4 November 2014, MPs voted by [181 votes to 1](#) in favour of a Ten Minute Rule Motion that called for a ban on sex-selective abortion to be made explicit in law.

If you require further information on the areas covered by this political briefing please email hello@stopgendercide.org or visit www.stopgendercide.org

