

Ban Sex Selective Abortions in Kansas

Testimony Submitted to the

**House Federal & State Affairs Committee
Representative Arlen Siegfried, Chair
Proponent, Senate Bill (SB) 141**

By

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Introduction

Nearly nine out of ten Americans oppose abortion for reasons of sex selection, but such acts of gender violence are neither illegal nor uncommon in our country. Permissive abortion laws and high-resolution ultrasounds make it easier than ever for parents to target and eliminate unwanted daughters (or sons) before birth.

Are Sex- and Race-Selective Abortions Occurring Here?

Until the recent spate of negative publicity focused public attention on such acts, it was not unusual to find abortionists advertising the availability of sex-selective abortions in newspapers such as the *New York Times*.

Anyone who has lived in and worked with the Asian-American community, as I have, is aware that the practice of selectively aborting female fetuses is disturbingly common.ⁱ Women and their daughters are both victimized.

Sunita Puri, an Asian-Indian physician, interviewed 65 immigrant Indian women in the United States who had pursued fetal sex selection. She found that a shocking 89% of the women carrying girls aborted during the study, and that nearly half had previously aborted girls.

These women told Puri of how they were the victims of family violence; how their husbands or in-laws had shoved them around, kicked them in the abdomen, or denied them food, water, rest in an attempt to make them miscarry the girls they were carrying. Even the women who were carrying boys told of their guilt over past sex-selection abortions, and the feeling of being unable to "save" their daughters.ⁱⁱ

Such episodes are not isolated tragedies, but are common occurrences in some American communities. An analysis of 2000 Census data found clear evidence of sex-selective abortions in what the authors called "son-biased sex ratios," that is, a higher ratio of boys to girls than would occur in nature.ⁱⁱⁱ

The 2008 study, by Columbia University economists Douglas Almond and Lena Edlund, examined the sex ratio at birth among U.S.-born children of Chinese, Korean and Asian-Indian parents. They found that the first-born children of Asians showed normal sex ratios at birth, roughly 106 girls for every 100 boys. If the first child was a son, the sex ratio of the second-born children was also normal.

But what happened if the first child was a girl? In that case, they found, the sex ratio for second births was 117, meaning that the second child tended to be a boy. To put it another way, roughly 10 percent of girls had been eliminated.

"This male bias is particularly evident for third children," they reported. "If there was no previous son, sons outnumbered daughters by 50%." Their raw numbers showed that, for every 151 boys, there were only 100 hundred surviving girls. The rest had been eliminated.

The authors quite rightly interpret this "deviation in favor of sons" the only way they possibly could, namely, as "evidence of sex selection, most likely at the prenatal stage." In other words, as early as a decade ago, Asian-American communities in the U.S. were already practicing sex-selective abortion.

Moreover, they went on to note, whether a mother gave birth to a boy could not be predicted by her immigration status. Indeed, mothers who were U.S. citizens were slightly more likely to have sons.

This means, as Mara Hvistendahl, the author of *Unnatural Selection*, notes, that "*Sex selection ... is not a tradition from the old country that easily dies out.*"

^{iv}(italics added) The enduring nature of sex selective abortion further underlines the need for the kind of legislative remedy that Senate Bill No. 141 offers.

An even earlier study, by Jason Abrevaya of the University of Texas, also confirmed that that is empirical evidence of gender selection within the United States. Abrevaya analyzed birth data and showed unusually high boy-birth percentages after 1980 among later children (most notably third and fourth children) born to Chinese and Asian Indian mothers. Moreover, using maternally linked data from California, he found that Asian-Indian mothers are significantly more likely both to have a terminated pregnancy and to give birth to a son when they have previously only given birth to girls.

It is worth noting that similar sex imbalances have also been documented among Canada's Asian immigrant communities. Quoting the *Toronto Globe and Mail*, Joseph D'Agostino has written, "Figures from the 2001 census supplied by Statistics Canada suggest a slight skew in the usual gender ratio among people with South Asian backgrounds.... According to the 2001 census data, the proportion of girls under 15 in the South Asian communities of Mississauga and Brampton is two percentage points below the ratio for the rest of the population in those municipalities."^v

In Great Britain skewed sex ratios have been documented among South Asian immigrants by Oxford University human geographer and population expert Sylvie Dubuc. She concluded that the most probable explanation was sex selective abortion by a certain percentage of mothers born in India.^{vi}

Such numbers do not mean that most Asians living abroad practice sex selection, of course. There is no evidence of sex selection among Japanese-Americans or Filipino-Americans. Even among those immigrant populations that do practice sex selective to some degree, the majority does not.

Finally, it is worth noting that there is probably no segment of the U.S. population that has perfectly clean hands. The difference is that, absent a strong preference for one sex over the other, no sex disparity is likely to show up statistically. But were unborn boys and girls eliminated for reason of their sex? Undoubtedly yes.

What the numbers do suggest is that this ultimate form of misogyny is happening in the United States, and that it is ethically an excellent idea to say that we are not going to tolerate sex-selective abortion in our country, that we are going to defend the intrinsic dignity of unborn girls.

Objections to Banning Sex- and Race-Selective Abortions

Those who argue against restrictions on sex- and race- selective abortions do so on the grounds that sex selective abortion is not really a problem here. Mara Hvistendahl, for example, writes that "the Prenatal Nondiscrimination Act is not such a bad law—were it to be enacted in the countries that actually need it."

The implication here is that the U.S. doesn't "need it."

I disagree. 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.

Consider that among the populations demonstrated to practice sex-selective abortion there are 3.9 million Chinese-Americans, 2.8 million Asian-Indians, and 1.6 million Korean-Americans living in the United States. The numbers of Asian-Indians, in particular, has doubled over the last two decades. The highly skewed sex ratios found by both Abrevaya and Almond et al suggest that, among these

groups alone, tens of thousands of unborn girls have been eliminated for no other reason than they are considered by some to be the wrong sex.

I disagree with Hvistendahl that the death of tens of thousands of American baby girls does not constitute a problem significant enough to be combated with legislation. I believe that Senate Bill No. 141 is a necessary remedy for this abusive practice.

As to how many instances of sex-selective abortion occur in the U.S., my response is "Even one death is too many."

The International Situation and the United States

Consider the situation in India, which has a *de facto* two-child policy. A national survey published in *The Lancet* revealed that as many as half a million female fetuses are aborted there each year because of their gender.^{vii} The worst performing Indian state was Punjab, which saw only 775 births per 1,000 males births in 1999-2001. This works out to a sex ratio at birth of 129 males to 100 females that is the highest known sex ratio in the world.^{viii}

Since the mid-1980s, when ultrasound technology began allowing parents to learn the sex of their children before birth, the number of Indian girls per 1,000 boys has declined from 962 in 1981 to 927 in 2001. Given the large size of the Indian population, with annual birth cohorts in the tens of millions, this is statistically a very significant decline.

The disparity is even more lopsided among middle-class urban families, reportedly because of their greater access to ultrasounds and their greater ability to pay for them. Here the number of girls per 1,000 boys drops into the 800s, or even lower. The lowest recorded number of girls is found in some high-caste urban areas of Punjab, where only 300 girls per 1,000 boys survive gestation.^{ix}

The problem extends far beyond India, of course. A recent United Nations Population Fund report says at least 60 million girls are "missing" throughout Asia because of sex-selective abortion, infanticide and neglect. Some estimates run as high as 100 million.

The most egregious example is China, where a brutally enforced one-child policy has produced a national ratio of 121 boys born for every 100 girls, with some provinces posting ratios of more than 150 boys per 100 girls.^x The shortage of girl children is obvious to anyone who visits rural China, as I have recently. One can visit elementary schools classrooms where, out of a total of 30 students, 20 or so are boys. On a national level, demographers predict that there will be 30 million more Chinese men than women of marriageable age by 2020.^{xi}

The practice of female feticide, as it is sometimes called, is also found in other “Confucian” cultures, such as South Korea, Taiwan, Hong Kong, Singapore and Vietnam. Vietnam, for example, has in recent years seen a spike in the number of male births compared with female births.^{xii}

The South and Southeast Asian countries of Pakistan, Bangladesh and Indonesia also show unbalanced sex ratios.^{xiii} Even more lopsided ratios are found in the Caucasus countries of Azerbaijan, Georgia, and Armenia.^{xiv} Less pronounced but still evident biases in the sex ratio also emerged in southern Europe after the wars of the Yugoslav succession, affecting the countries of Serbia, Macedonia and Bosnia and, further north, Belarus.^{xv}

The selective abortion of unborn girls is a serious international problem, which to date has cost the lives of 160 million females.

Hvistendahl and others ignore another consequence of allowing sex-selective abortions to continue unabated in the U.S. in general, and Kansas in particular.

The fact is, many other countries, including India and China, have already begun to place restrictions on identifying the sex of unborn children precisely to create an obstacle to sex selective abortion. Hvistendahl maintains that banning sex selective abortion in places like India and China is not only not only necessary, but also that such laws should be vigorously enforced.

But if other countries have bans in place and the U.S. doesn't, then our country runs the risk of becoming a magnet for those who wish to procure sex- and race-selective abortions.

For such bans to be effective abroad we need laws such as SB-141 that direct that, in the words of the draft legislation, Section 1, para. (a): “No person shall perform an abortion solely on account of the sex of the unborn child.”

What is to be Done?

Sex-selective abortion is rightly seen by many as the ultimate form of discrimination against women. As investigative journalist Gita Aravamudan argues in her 2007 book, *Disappearing Daughters: The Tragedy of Female Feticide*, “Female infanticide is akin to serial killing. But female feticide is more like a holocaust. A whole gender is getting exterminated.”^{xvi} Sex selective abortion is increasingly being called “gendercide,” especially in countries where it has reached massive proportions.

Sex-selective abortion is illegal under Indian and Chinese law. India has in fact gone even further, requiring all ultrasound machines to be registered with the authorities.^{xvii} These laws are not rigorously enforced and, as a result, have scarcely curbed the practice.

Sex Selection is generally prohibited in Europe. In the UK, as in most European countries, abortion can be carried out for medical reasons but is not permitted on the grounds of sex alone.^{xviii} Health authorities in Sweden, however, recently ruled that it is not illegal to kill a healthy unborn child based simply on its gender. There is, reportedly, abortion tourism from Great Britain to the U.S., and from other Scandinavian countries to Sweden, for the purpose of aborting unwanted girls.^{xix}

Still, a logical first step in curbing any heinous practice is to ban it. Such a measure would enjoy widespread public support, even in countries like the U.S. which have abortion-on-demand. Fully 86 percent of those Americans surveyed in a 2006 Zogby/USA Today poll would like to see sex-selective abortion banned. Although we have no comparable survey data for Kansas, I strongly suspect that the percentage of Kansans who would agree with this proposition would be even higher.

Former U.S. Senator Jesse Helms, each year that he was in the U.S. Senate, introduced legislation to ban sex-selective abortion. The language was simple, yet powerful: "It shall be illegal to perform an abortion for the sole purpose of sex selection."

It is a commonplace to say that the law is a teacher. Nowhere is this more true than in democratic countries whose citizenries understand that their elected legislators speak for them. Banning the practice of sex selective abortion in China and India has had a limited effect. For the parliaments of Canada and Europe, or the Congress of the United States, or the Kansas state legislature to legislate against it would undoubtedly have a much greater impact, at least among those people who are cognizant of the new law.

I congratulate State Senator Pilcher-Cook and her co-sponsors of SB-141. It is a necessary corrective to a tragedy that is both real, continuing and, if left unchecked, is likely to grow over time.

Mara Hvistendahl, who has studied the problem of sex-selective abortion extensively, has expressed disappointment "at the degree to which domestic American politics prevents action on a problem of great importance." (p. xviii)

With SB-141 we now have an opportunity for take action, passing legislation that would not only accord with the wishes of the vast majority of the American people, but would conform U.S. laws to those of much of the rest of the world, and reduce the number of sex-selective abortions in Kansas and, by extension, in the U.S. as a whole.

We have a chance to end the ugliest form of misogyny imaginable, a misogyny that kills.^{xx}

I strongly endorse the passage of Senate Bill No. 141.

ⁱ I was for 10 years (1986-1995), the Director of the Asian Studies Center at the Claremont Institute in Southern California.

ⁱⁱ Sunita Puri et al, "*There is such a thing as too many daughters, but not too many sons*": A qualitative study of son preference and fetal sex selection among Indian immigrants in the United States. *Social Science & Medicine*, Volume 72, Issue 7, April 2011, Pages 1169-1176.

ⁱⁱⁱ Douglas Almond and Lena Edlund, "Son-biased sex ratios in the 2000 United States Census," Published online before print March 31, 2008, doi: 10.1073/pnas.0800703105; *Proceedings of the National Academy of Sciences*, April 15, 2008 vol. 105 no. 15 5681-5682

^{iv} Mara Hvistendahl, *Unnatural Selection: Choosing boys over Girls, and the Consequences of a World Full of Men*, Public Affairs, 2011, p. 43.

^v Joseph D'Agostino, "Feminism's triumph: exterminating girls," *Human Events*, January 1, 2007.

^{vi} Syvie Dubuc and David Coleman, "An Increase in the Sex Ratio of Births to India-born Mothers in England and Wales: Evidence for Sex-Selective Abortion," *Population And Development Review* 33(2) 383-400 June 2007.

^{vii} Prabhat Jha et al, "Low male-to-female sex ratio of children born in India: national survey of 1.1 million households," *The Lancet* (Jan 21, 2006) Vol. 3367 No 9511 pp 679-688.

^{viii} Carl Haub, "Future Fertility Prospects for India," paper presented to the United Nations Expert Group Meeting on Recent and Future Trends in Fertility, Population Division, United Nations Department of Social and Economic Affairs, New York 2-4 December 2009. Available at www.un.org/esa/population/meetings/EGM-Fertility2009/P12_Haub.pdf

^{ix} Sahana Charan, "Female foeticide prevalent in urban areas," *The Hindu*, November 20, 2002.

^x ShuZhou Li, "Imbalanced Sex Ratio at Birth and comprehensive Intervention in China" (paper presented at the Fourth Asia Pacific Conference on Reproductive and Sexual Health and Rights, 2007), 7.

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- ^{xi} National Population and Family Planning Commission of China, "Thirty million men face bleak future as singles," January 12, 2007. Accessed at <http://www.npfpc.gov.cn/en/detail.aspx?articleid=090609161817184239>
- ^{xii} Patralekha Chatterjee, "Sex ratio imbalance worsens in Vietnam," *The Lancet* (October 24, 2009) Vol. 374 No 9699 p. 1410.
- ^{xiii} Isabelle Attarie, *Une China sans Femmes?* (Perrin, Paris 2005). As Attarie notes, in 2005, for every 100 girls born, 115 boys were born in Azerbaijan, 118 in Georgia and 120 in Armenia. Give that in 1995 the birth ratios in these countries were normal, this suggests a rapid increase in sex selective abortion over the past few years.
- ^{xiv} France Mesle et al, "A sharp increase in sex ratio at birth in the Caucasus. Why? How?," CEPED-CICRED-INED Seminar on Female Deficit in Asia: Trends and Perspectives, Singapore, 5-7 December 2005. Accessed at www.cicred.org/Eng/Seminars/Details/.../64_Badurashvili.pdf
- ^{xv} Christophe Z. Guilmoto, "Sex-ratio imbalance in Asia: Trends, consequences and policy responses," Paper submitted to the 4th Asia Pacific Conference on Reproductive and Sexual Health and Rights, October 29-31, 2007, accessed at www.unfpa.org/gender/docs/studies/.../regional_analysis.pdf
- ^{xvi} Gita Aravamudan, *Disappearing Daughters: The Tragedy of Female Feticide* (Penguin Books, New Delhi, 2007).
- ^{xvii} "Stricter law to check female foeticide," *The Hindu*, June 1, 2002.
- ^{xviii} Parliamentary Office of Science and Technology, "Sex Selection," *Postnote*, July 2003, No. 198. 198 198. 198. Accessed at www.parliament.uk/post/pn198.pdf
- ^{xix} Kathleen Gilbert, "Sweden rules gender-selective abortions legal," LifeSite News, May 12, 2009. Accessed at <http://www.lifesitenews.com/ldn/2009/may/09051201.html>
- ^{xx} See Colin Mason, "Drive to ban sex-selective abortion gaining momentum," 20 July 2009. Accessed at <http://pop.org/20090720975/july-20-drive-to-ban-sex-selective-abortion-gaining-momentum>.

Brief Bio for Steven W. Mosher

Steven W. Mosher is the President of the Population Research Institute (1995 to present) and the author of a number of books on China and demographics, including *Hegemon: China's Plan to Dominate Asia and the World* and *Population Control: Real Costs and Illusory Consequences*.

He is frequently invited to testify before Congress on these and related topics. On May 13th, 2011, he testified before the House Committee on Foreign Affairs on Beijing's ongoing crackdown on dissent. On June 20th, 2011, he testified on the security implications of declining birthrates among our European and Asian allies before the Commission on Security and Cooperation in Europe (The Helsinki Commission). On December 6th, 2011, he testified before the House Committee on the Judiciary on the Prenatal Nondiscrimination Act ("PRENDA") that would ban sex-selective abortion.

He served as the Director of the Asian Studies Center at the Claremont Institute from 1986-95. In 1991 he was appointed to serve as Commissioner of the U.S. Commission on Broadcasting to the PRC (1991-2). He was educated at the University of Washington and Stanford University and, following a period of naval service (1968-76), in 1979 became the first American social scientist permitted to do field research in China since the Communist revolution.