



SOCIAL SEXING: a matter of choice or Human rights?

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SCIENCE AND TECHNOLOGY



Who chooses what?

Background and ethical calculus

- Historically, age old myths and customs; geopolitical variations of inheritance and family law
 - Still a polarised debate: ESHRE taskforce 5
PGD, 2 views: balancing and Human Rights
 - ESHRE PGD consortium: emails+++
 - Autonomy, +/-, justice
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Gender variety/ family balancing

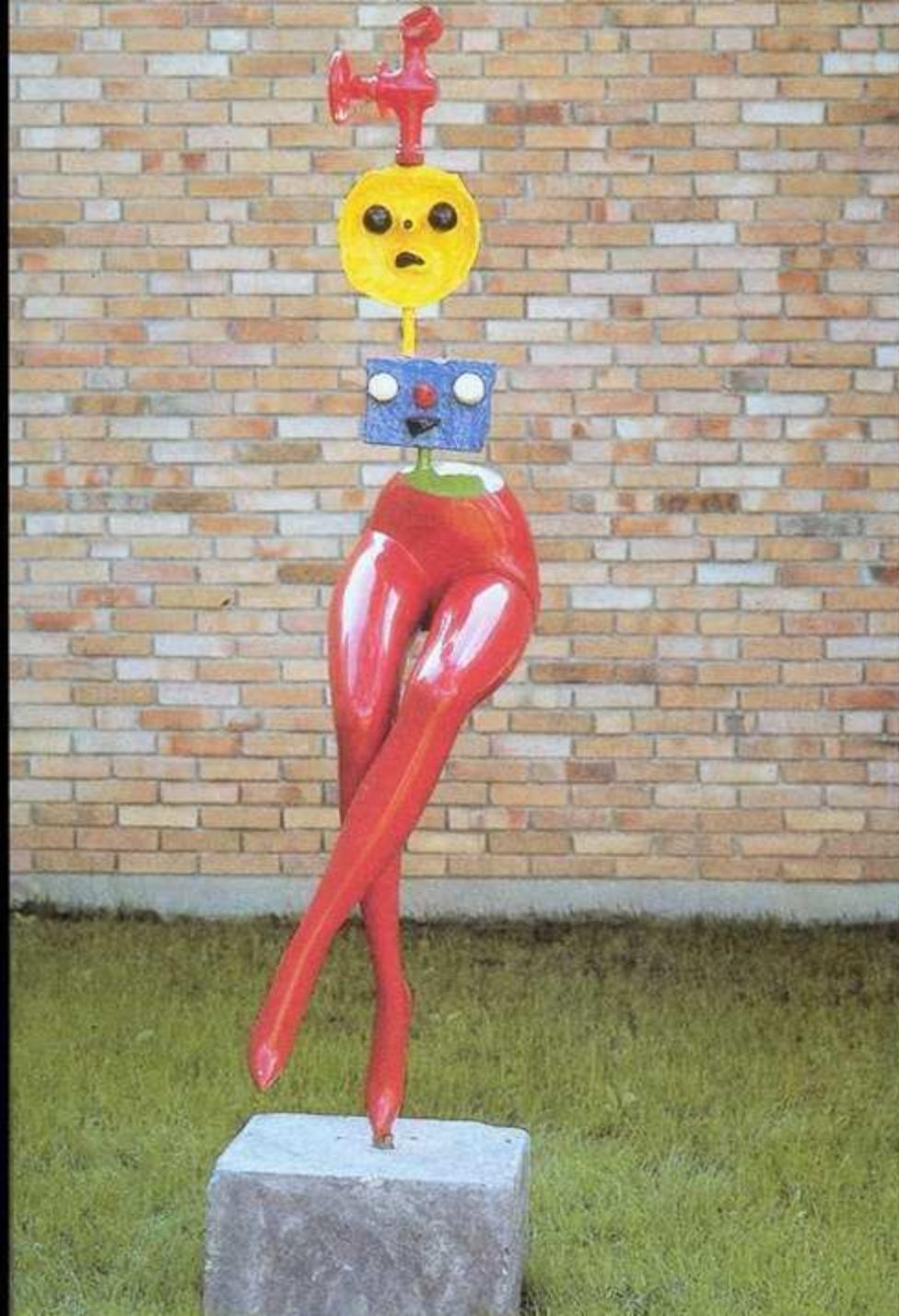
- Pennings G (1996) family balancing as a morally acceptable application of sex selection, Human Reprod 11, 2339-2343
 - Not for the first child, only for different gender
 - V “inherently sexist”
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Arguments for and v balancing

- “Natural” desire of “variety/balancing” v humans are organized in society
 - Balancing acceptable: Is a family with same gender children somewhat unbalanced ?
 - rarely legally practiced > 3 or 4 children
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ASRM ethics committee: caveats

- 1994: ...*premature*..to assert ..there are absolutely no circumstances under which gender selection should be used, regardless of the technology
 - 2001: (Roberston) (should) *not to be* “legally prohibited” or “morally condemned” BUT should be “not encouraged “ or even in some cases “actively discouraged”
 - Gender selection to achieve “family balancing” or other preferential goals based on non disease traits is... *highly problematic*” (eugenic specter)
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The facts@ international level

- Gender selection is more often to favour the birth of a son rather than a daughter (Sen, 1989 and 2003); + in Asia and North Africa
 - From 100 M women missing; to radical change: less female mortality, + natality bias = sex specific abortions
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Missing women revisited (BMJ 2003)

- Normal ratio :95 girls for 100 boys at birth
 - Singapore and Taiwan :92; South Korea 88; China: 86; India: from 94.5 to 92.7
 - Sex bias natality has replaced mortality bias
 - Lancet: TOPs in India (after u/s)
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Missing female babies in India

- Sheth S, 2006, Missing female births in India, The Lancet, 367, 9506:185-186
 - Prabath J et al, Low male to female sex ratio of children born in India: national survey of 1.1 million households, id: 211-218; 0.5 million per year, 10 million female (fetuses) in 20 years
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India: choice v discrimination

PGD: (fetal prenatal sex screening by u/s) “The new technologies ***seem less violent and involve less guilt*** and hence add on to the social problem of the disadvantaged girl child “(Parikh, Fert and Ster) v Malpani and reproductive choice for sex selection

- It may well be a fallacy than in the end (such) utilitarian calculus allows more good than harm... ***the cost to society is of reinforcing discriminatory attitudes***
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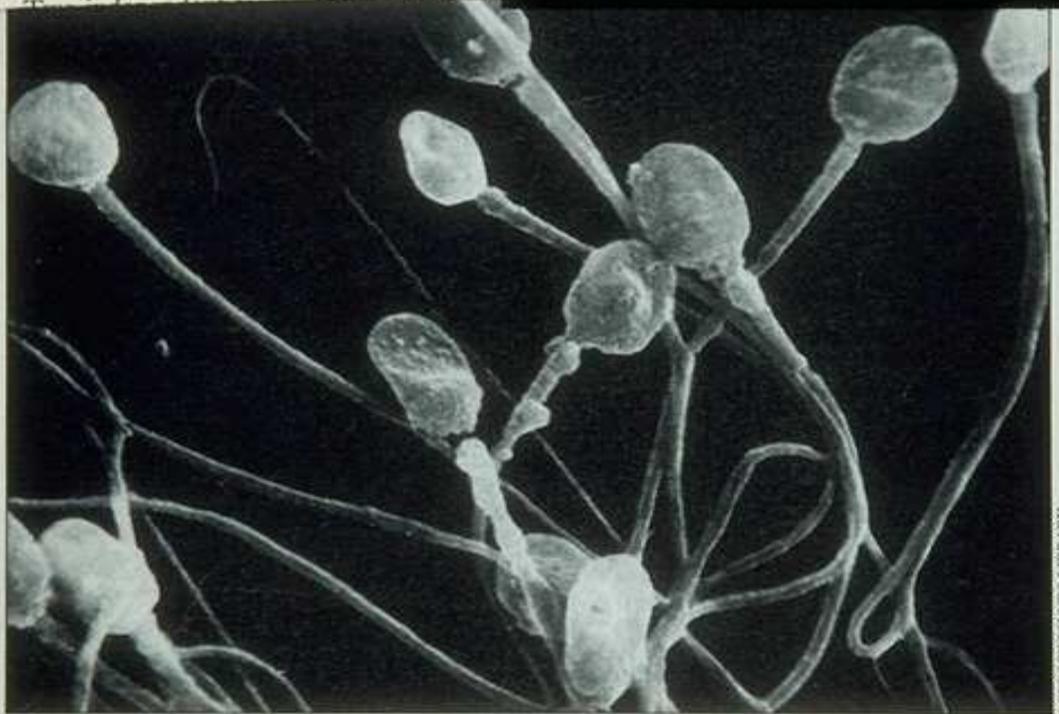
Recent evidence

Sex preference and interest in preconception sex selection: a survey among pregnant women in the north of Jordan (Human Rep, 2009, 24, 7, 1665-9): more uneducated women, with “unbalanced family”; $\frac{3}{4}$ “should not be legal”

Is there an ethical gradient?

- Gradualist view: gender selection by PGD worse morally than by sperm sorting: **the embryo is discarded if “the wrong sex”**; **worse again if TOP?**
 - Moral appraisal of an issue does not *merely* depends on the method used
 - Pink or blue? The need for regulation is black and white
- Javitt J.D., M.P.H, Fert and Ster, July 86,
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Enriched sperm could sort out boy babies from girls



Sperm—will they make boys or girls?

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Justice and Human Rights

- International justice: what limits of “cultural differences” are relevant?
 - History of Human Rights: political reaction against injustice by discrimination (Dworkin)...
 - ...on grounds of sex (as well as religion or phenotype) whether female or male
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Relevant HR declarations

- Universal Declaration of Human Rights of 1948
 - European Convention of Human Rights of 1950
 - Both enshrine non discrimination on grounds of sex (gender)
 - International Children's Rights (1973)
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National legislation

- India, January 1st 1996: Pre-Natal Diagnostic Techniques (Regulation and Prevention of Misuse)
 - But problem of implementation (1 court case)
 - UK, HFE Act 2008 specific ban (not licensed by HFEA before); banned Belgium, France, ...and Turkey
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A sacrifice to liberty? or to the market?

- Welfare of the child v procreative liberty: child knowing of the method used for his/her conception may have the feeling of “***being conditionally wanted***” + pressured to fulfil to a gender stereotype
 - “***Scarcity value***”: a terminology of the market place, reducing further the status of women (in practice rather than men) to chattels (The century after Beatrice, A. Malouf)
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Dangers of selecting sex in the quest for a perfect family

I have two sons, now grown up. But if foolproof sex choice had been available 25 years ago, could I have taken advantage of it? Would I have chosen to have two boys, or two girls, or a boy first and then a girl — or would I have wanted a girl first and then a boy?

As there was no pressure to produce a boy for dynastic reasons, or a girl to avoid a sex-linked genetic disorder, it didn't matter much to me.

For some people, though, it does. Some couples have sound medical

Parents could upset the balance of nature by favouring one gender, warns
Liz Hodgkinson

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women marrying into top families to produce sons — an unfair situation when you consider that the sex of a child is determined by the father. Sperm can carry either X (female) or Y (male) chromosomes, but eggs can only be X.

Even in more humble circles, the desire to have a son is deeply embedded. How often, for example, do relatives tell a woman that her family is "complete" once she has borne a son when she already has daughters?

On the good side, sex selection

FIGO resolution, voted 2006

urges member societies to

- **Ensure** that ...techniques for sex selection are employed only for medical indications or purposes that ***do not contribute to social discrimination on the basis of sex or gender***
 - ...**Work** with their governments to assure that sex selection is strictly regulated to contribute to the elimination of sex and gender discrimination
 - **Advocate and promote** strategies that will encourage and facilitate the achievement of ***gender equality***
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Conclusions

- to be of the “wrong” gender in the eyes of one’s family cannot be defined as a disease
 - in the current world it still condones discrimination (procreative liberty v collective responsibility, FS, RBM on line)
 - **To accept social sex selection is untimely /sexist... for whichever gender**
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