

---

# SEX-SELECTIVE ABORTION ACT

Model Legislation & Policy Guide



# INTRODUCTION

The Canadian *Charter of Rights and Freedoms* guarantees equal treatment and benefit under the law regardless of sex. In order to be effective, this nationwide commitment to gender equality needs to start at the earliest stages of life. Sex selective abortions strike a blow to the foundation of this commitment.

We cannot as a country claim to strive for gender equality while ignoring sex-based discrimination, usually against girls, that occurs at the earliest stages of life.

Regardless of views on abortion more generally, all who take equality seriously should unite in calling for a ban on sex-selective abortion.

For more information, please contact We Need a Law.

Phone: 1-866-410-9625

Email: [info@wenedalaw.ca](mailto:info@wenedalaw.ca)

Website: [wenedalaw.ca](http://wenedalaw.ca)

## **The Sex-Selective Abortion Act<sup>1</sup>**

### **Preamble**

Whereas the Government of Canada is firmly committed to protecting and advancing human rights, both in Canada and abroad;

Whereas ending discrimination against any person on the basis of sex is a crucial part of Canada's efforts to promote and protect human rights, as reflected in its laws and international commitments;

Whereas the practice of terminating a pregnancy solely on the grounds of the genetic sex of the child values one sex over the other and is therefore a form of sex-based discrimination;

And whereas the Government of Canada believes that abortion performed on the basis of sex is inconsistent with its commitment to the protection of equality rights and that the issue must be addressed by legislation;

### **Criminal Code**

2 The heading after section 286.5 of the Criminal Code is replaced by the following:

#### **Abortion — Sex Selection**

#### **Definitions**

287 (1) The following definitions apply in this section.

*sex* means the sex that is capable of being determined from the time of conception by the presence or absence of the Y chromosome, and the sex that is capable of being determined in utero through assessment of external genitalia using ultrasound technology.

*means* includes

- (a) the prescription or administration of a drug;
- (b) the use of an instrument; and
- (c) manipulation of any kind.

---

<sup>1</sup> The Sex Selective Abortion Act was introduced as Bill C-233 by Cathay Wagantall (MP for Yorkton-Melville) in the 43<sup>rd</sup> Parliament

*medical practitioner* means a person who is entitled to practice medicine under the laws of a province.

**Performing an abortion — sex selection**

(2) A medical practitioner or pharmacist who uses or prescribes any means to perform an abortion knowing that the abortion is sought solely on the grounds of the child's sex is guilty of

- (a) an indictable offence and liable to imprisonment for a term of not more than five years; or
- (b) an offence punishable on summary conviction and liable to imprisonment for a term of not more than 18 months.

**Guidelines**

(3) The Minister of Health, after consultation with representatives of the provincial governments responsible for health, shall establish guidelines on information provided by a medical practitioner in relation to a request for an abortion, respecting the offence under subsection (2), as well as the form, manner, and time in which the information may be provided.