Defeating Sex-Selective Abortion Bans

ADVOCACY TOOLKIT

National Asian Pacific American Women's Forum
Defeating Sex-Selective Abortion Bans

ADVOCACY TOOLKIT
It took courage to speak out against this, but I knew I had to. This just isn’t an issue politicians should be wasting time on. If they really wanted to help women, they would have other priorities. What about equal pay or paid maternity leave?

— Lena Tran, South Dakota

As a South Asian woman living in Arizona, I’ve seen the impact of anti-immigrant laws on my friends and people of color. This abortion ban is yet another policy that makes me feel like a suspect, like I don’t belong in the place that I call home, and ultimately, reverses hard-fought protections for women in our community.

— Zeenat Hasan, Arizona

The women in our community are courageous. Many of them left the homes they knew for a land where they hoped a better life awaited them. Many of them have survived wars and sought refuge here. Some have started their own businesses from scratch. Others are without papers and risk being torn away from their families every day.

We believe that Asian American and Pacific Islander (AAPI) women are an important force for social change. These women, now part of the fastest-growing racial group in the country, know what it means to struggle for visibility. The historical absence of Asian faces in our media, save for a few narrow stereotypes, is just the most obvious example of the marginalization our community has faced. However, this moment is an important turning point. There are more AAPI women than ever before, and they are becoming emboldened—making themselves seen and heard, and taking back the narrative about who they are.

For the last eight years, far-right politicians have been launching attacks on the reproductive decision-making of AAPI women. In the face of accusations that we cannot be trusted to make decisions for ourselves that are in the best interests of our families, we have been fiercely fighting back. Our resolve has only grown stronger. We have been steadfastly strengthening and expanding our base to take on not only this fight, but future reproductive justice fights to come. A great many of our allies have joined us and become critical sources of leadership and support. We have shown courage by speaking our truths at kitchen tables, universities, city halls, and capitol buildings. We have unapologetically demanded that our stories be told, and by our voices. And we will not back down.

In the 2014 elections, conservative lawmakers seized control of state legislatures across the country and won a majority in both Houses of Congress. The impact of this for AAPI women cannot be understated. A long list of attacks on reproductive health have been introduced, including “sex-selective abortion bans.” As we anticipate seeing many versions of this ban over the coming years, we offer this toolkit to our friends and allies. We hope it will prepare you for future fights, and support your courage.

In solidarity,

Miriam Yeung, Executive Director

Shivana Yurawar, Reproductive Justice Program Director

Founded in 1996, the National Asian Pacific American Women’s Forum (NAPAWF) is the only national, multi-issue organization building a movement to advance social justice and human rights for AAPI women and girls in the United States. NAPAWF has been a leading voice on the issue of sex-selective abortion in the United States, and has been fighting back against this legislation since 2008.
INTRODUCTION .................................................................................. 4

EDUCATIONAL MATERIALS ............................................................ 5
Use the following as handouts to educate your staff, members, and lawmakers
   Factsheet: Sex-Selective Abortion Bans & Reproductive Justice
   Factsheet: The Asian American & Pacific Islander Community
   Factsheet: Son Preference
   Factsheet: Legislative History
   Factsheet: Impact of Sex-Selective Abortion Bans
   Issue Brief: Sex-Selective Abortion Bans, Wolves in Sheep’s Clothing

TOOLS TO FIGHT BACK ..................................................................... 13
   Key Tactics
   Messages
   Messaging Do’s and Don’ts
   Frequently Asked Questions
   Hearing Questions
   Template Testimony
   Template Op-Ed
   Template LTE
   Template Press Release
   Social Media
   Bill Comparison Chart
   Workshop Module
   Additional Resources

REFERENCES ..................................................................................... 27

NAPAWF member Nadia Hussain testifies against a proposed sex-selective abortion ban in California
Sex-selective abortion bans have become a major trend in United States abortion politics, emerging as part of the surge of abortion restrictions that began in 2000. In both 2013 and 2014, this was the second most-proposed state abortion ban. The ban is now law in 7 states. Conservative legislatures have been passing these laws with relative ease, and it is unlikely we will see a slowing of this trend in coming years.

The strategy behind this abortion ban is clear. In an attempt to restrict abortion in a manner that appears sympathetic, the anti-choice movement is putting forth measures that appear on their face to further women’s equality. In essence, anti-choice activists and lawmakers are shamelessly pretending to be feminists to promote their agenda. The hypocrisy becomes very clear when we look at the voting records of those who support the measure; they regularly reject bills that would empower women, including equal pay and measures that support survivors of domestic and sexual violence.

Uniquely, this abortion ban has a disproportionate impact on Asian American and Pacific Islanders (AAPIs), the fastest-growing racial group in the United States. Despite the lack of evidence that this type of abortion is widespread in the United States, and in spite of research showing Asian Americans have on average more girls than white Americans, the ban’s supporters charge it needs to become law because of our community. More and more, we are hearing politicians issue hostile remarks, such as the lament from an Arizona senator that Asian women will “bring their traditions” to the U.S. in a way that would “defy the values of America.”

By pointing to the devastating sex ratio imbalances in India and China and invoking xenophobic assumptions, the anti-choice movement stigmatizes AAPIs in order to support their agenda. The stereotypes perpetuated by these laws can have a damaging effect on AAPI women’s health.

We ask our friends and allies across the country to push back on these bans. They do not only impact our community, they harm all women by opening the door to more and more abortion restrictions based on a woman’s motives, or projected motives. Today the charge is sex-selection—who knows what is next?

This toolkit will equip advocates with information and tools to fight back against a growing list of proposed sex-selective abortion bans.
The **REPRODUCTIVE JUSTICE** movement is rooted in the belief that all individuals and communities should have the resources and power they need to make their own decisions about their bodies, genders, sexualities, families, and lives.

When the term “reproductive justice” emerged in 1994, the movement for reproductive freedom was dominated by the voices of white, cisgender¹ women who had a singular focus on abortion. Many women of color felt excluded from the movement and wanted to see it include an analysis of the multiple oppressions marginalized communities face. Economic, sexual, racial, disability, immigration, and religious factors keep many people from being able to make genuine choices about their reproductive lives. Recognizing the need for a more intersectional approach to addressing barriers to reproductive health, women of color launched a movement for “reproductive justice” rooted in human rights values, cognizant of all identities and circumstances, and addressing a range of issues. Going beyond abortion, reproductive justice recognizes the right to have a child, the right not to have a child, the right to parent the children we have with dignity, the right to control our birthing options, the right to choose our sexual partners, and the right to control our own gender.

**THE FIGHT AGAINST SEX-SELECTIVE ABORTION BANS IS A REPRODUCTIVE JUSTICE ISSUE.** To undermine the power of people to make their own reproductive decisions, abortion opponents are exploiting women of color—Asian American women—and tapping into anti-immigrant sentiment. These measures have a devastatingly disproportionate impact on Asian American women, who may be targeted based on their race due to these laws. The Asian American women most likely to be stereotyped and scrutinized are new immigrants and those with limited English proficiency (LEP). For women who are LEP, a simple miscommunication could mean being denied abortion care. This is a group that already faces numerous barriers to accessing health care. Erecting new barriers based on racial stereotypes and xenophobia increase their likelihood of negative health outcomes.

According to reproductive justice principles, all people, regardless of their race or country of origin, have a right to plan their families and a right to decide against having children. Sex-selective abortion bans are a grave reproductive injustice that must be stopped.

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¹ Cisgender describes individuals who have a match between the gender they were assigned at birth, their bodies, and their personal identity.
FACTS ABOUT

THE ASIAN AMERICAN & PACIFIC ISLANDER COMMUNITY

A RISING ELECTORATE

The Asian American and Pacific Islander (AAPI) community is extremely diverse, originating from 30 different countries and ethnic groups and speaking over 100 languages and dialects. With over 19 million AAPIs in the United States, AAPIs make up over 6% of the total U.S. population. AAPIs are the fastest-growing racial group in the country. Between 2000 and 2010 alone, the AAPI population grew at a rate of 46 percent, more than four times faster than the total U.S. population. By the year 2050, AAPIs will be 10 percent of the U.S. population.

Moreover, the AAPI population is growing in unexpected places. While states like California, New York and Texas continue to have the largest AAPI populations, AAPI populations in Nevada, Arizona, North Carolina and North Dakota are the fastest-growing nationwide. Of 19 states with over 225,000 Asian Americans, six are in the South.

As the AAPI population grows, so does our political power. AAPIs are becoming citizens, registering to vote, and voicing our concerns at the ballot box. A record number of AAPIs went to the polls during the 2012 election, with approximately 3.85 million AAPI voters, accounting for 3% of all voters. In 2012, voter turnout from AAPI registered voters was significantly high at 79%. Nearly half of AAPI registered voters identify as independent or undecided with respect to their party identification, pointing to the possibility that many remain open to persuasion and outreach in future elections. Only 53% of the AAPI population identify as Democrat or Republican.

REPRODUCTIVE JUSTICE NEEDS AND OPINIONS

While the AAPI community is diverse and includes individuals with a number of political views, data from the 2012 election provides information about AAPI views on some key issues. We know that health care and racial discrimination are important issues for the community.

Moreover, the AAPI community is disproportionately young and of reproductive age. AAPI women face various health disparities, often due to immigration status, language barriers, and income level. AAPI women experience some of the highest rates of cervical cancer and high rates of uninsurance. Additionally, there is evidence that AAPI women use hormonal birth control at low rates and have high rates of unintended pregnancies. As a result, access to comprehensive health services, including abortion, is a key issue for AAPI women and girls, and the community as a whole. In fact, a strong majority of AAPIs—78%—support some form of legal abortion. Further, 69% of AAPIs believe that the government should stay out of women's personal decision-making.

It is crucial that lawmakers consider the impact of abortion restrictions and racially discriminatory policies on the AAPI community and prevent such measures.

TABLE 5: PARTY IDENTIFICATION, BY LANGUAGE OF INTERVIEW

<table>
<thead>
<tr>
<th></th>
<th>Asian Language</th>
<th>English</th>
<th>TOTAL</th>
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<tbody>
<tr>
<td>Democrat</td>
<td>27%</td>
<td>44%</td>
<td>35%</td>
</tr>
<tr>
<td>Republican</td>
<td>18%</td>
<td>17%</td>
<td>18%</td>
</tr>
<tr>
<td>Independent</td>
<td>23%</td>
<td>28%</td>
<td>25%</td>
</tr>
<tr>
<td>Other Party</td>
<td>0%</td>
<td>1%</td>
<td>0%</td>
</tr>
<tr>
<td>Don’t Know / Don’t think in these terms</td>
<td>32%</td>
<td>10%</td>
<td>22%</td>
</tr>
</tbody>
</table>

Source: 2012 Asian American and Pacific Islander Post-Election Survey (2012 AAPI PES)
Sex-selection, a result of son preference, may occur before pregnancy or during pregnancy. Sex-selection has manifested in several ways, including continuing to bear children until having the desired number of sons, using sperm sorting or pre-implantation Genetic Diagnosis (PGD), sex-selective abortion, infanticide, and neglect. Laws on this issue in the United States do not restrict any means of sex-selection other than abortion.

DATA ON SEX-SELECTION IN THE U.S.

While there is evidence that sex-selection practices, including sex-selective abortion, are widespread in Asian countries—namely China and India—there is no conclusive evidence that this is the case in the United States. In fact, the ratio of males to females at birth is standard in the U.S., and recent research has found that AAPIs have more girls on average than white Americans do. Moreover, many families immigrate to the United States precisely because they want to live in a society that is more equitable for women and girls. Despite this, lawmakers and proponents of sex-selective abortion bans claim that abortions based on son preference are widespread among Asian Americans in the United States.

ABORTION OPPONENTS’ DATA CLAIMS DEBUNKED

This claim is largely based on a study written by economists Douglas Almond and Lena Edlund, using data that is almost 15 years old from the 2000 United States Census. This study found male-biased sex ratios at birth for the second and third children of foreign-born Chinese, Indian and Korean families after they had already given birth to one or two girls.

Another study relied on was done by Joseph Abrevaya, using data sets that are 11 and 14 years old. In line with the Almond and Edlund study, he finds that Chinese and Indian Americans were more likely to have a son at their third and fourth births than other groups. However, anti-abortion advocates ignore that the Abrevaya study found that in aggregate the sex of the first child does not play a significant role in the decision whether to have a second child in the United States. Moreover, his analysis reveals that whites and Asian Americans have approximately equal percentages of boys and girls at their first births. He also states that even if the practice of sex-selection were to increase in the U.S., it would not likely lead to a gender imbalance problem in the aggregate.

WHAT IS SON PREFERENCE?

A preference for sons, rooted in gender inequality, has occurred globally throughout history and continues today. Most societies show some preference for sons, but in several countries in South and East Asia, son preference has been strong enough to result in higher levels of child mortality for females than males and has resulted in higher numbers of males than females being born. Son preference most often occurs where there is a reliance on males to, for instance, provide economic support, pass down family property, and perform death rites.

The lack of public assistance programs for the elderly encourages a reliance on male children in some countries. Moreover, in societies where there is a dowry or bride price, there is an economic burden on those who have daughters. Further, the reduction in the average family size and laws that restrict the number of children a couple may bear, such as the one child policy in China, reinforces the existing preference for males and places additional pressure on women to bear sons. In some countries, due to factors like these, there is societal pressure to have sons.
Supporters of sex-selective abortion bans also point to a qualitative study done by Sunita Puri. Puri recruited and interviewed 65 South Asian immigrant women who were specifically seeking sex-selection technologies in order to have a son. The study is not representative of South Asian women in the United States, as the group was not a random sampling and was designed to look at women seeking these services.

**The 2014 University of Chicago Study.** The University of Chicago Law School conducted an analysis of American Community Survey (ACS) data from 2007 to 2011. This study finds that although foreign-born Chinese, Indian and Korean Americans are more likely to have boys in their third births than other groups if they previously had daughters, they also have more girls in their third births after having boys.

Further, the study found that Asian Americans have more girls than white Americans. Foreign born Chinese, Indians and Korean Americans had 2,772 more girls than whites during the data period. That is, if white Americans and foreign-born Chinese, Indians and Koreans had the same number of children, white Americans would have 2,772 less girls than foreign born Chinese, Indians and Koreans. The same figure was calculated for all Asian Americans and found approximately the same results.

This new study is based on the most recent available U.S. population data, and takes a broader look at birth patterns among Asian Americans in the United States. In doing so, it debunks the myth that sex-selection based on an overall preference for boys over girls is a widespread practice among Asian Americans.

**REAL SOLUTIONS**

The root cause of son preference, which can result in sex-selection, is gender inequality. Therefore, in places where sex-selection needs to be addressed, the solution is enacting policies that empower women economically and socially—thus promoting equality. For example, policies that allow women to have equal pay, to inherit, to be free from violence, and to access the health care they need would make women stronger and more financially self-sufficient, thus reducing the preference for boys in the first place. This is the method support by experts on the issue, including the United Nations and the World Health Organization.

Moreover, if sex-selective abortion bans have the effect they are meant to have, they should make an impact on sex ratios in the states where they are enacted. Despite this, the bans enacted in Illinois and Pennsylvania—enacted in 1984 and 1989 respectively—did not have an impact on sex ratios at birth in either state. In other words, the evidence indicates that bans are ineffective to achieve their intended purpose.
Anti-choice activists have shamelessly exploited the sex-selection abroad to chip away at reproductive freedoms in the United States. Such bans were proposed and enacted in high numbers beginning in 2010, simultaneously with the onslaught of reproductive rights restrictions at the federal and state levels during the 111th and 112th Sessions of Congress.24

A WOLF IN SHEEP’S CLOTHING

Because sex-selective abortion bans are proposed under the guise of promoting gender equality, women’s rights supporters may find themselves feeling that they ought to support them. This is an intentional anti-choice strategy. Fortunately, feminists have been quick to see through this ruse. We need look no further than the voting records of the ban’s supporters to see that this is a wolf in sheep’s clothing. Lawmakers behind these bans regularly vote against women’s interests.

THE RISE OF THE SEX-SELECTIVE ABORTION BAN

In 2013 and 2014, these bans were the second-most proposed abortion ban and, to date, eight states have enacted them.25 Twenty-one states and the federal government have considered such laws since 2009.26 The number of sex-selective abortion bans has increased significantly in recent years. Before the year 2010, only two states banned sex-selective abortions: Illinois in 1975 and Pennsylvania in 1982 (though the Illinois law was removed by state courts27).28 Since the ban was first introduced in the U.S. House of Representatives in 2008, a legislative trend emerged. Today, sex-selective abortion bans are the law in Arizona, Kansas, North Carolina, North Dakota, Oklahoma, Pennsylvania, and South Dakota. States where the ban became law after 2000 are all states that have also seen unprecedented population growth rates among the AAPI community from 2000-2010.29

At the federal level, the ban was proposed for the first time in 2008 by Rep. Trent Franks (R-AZ). It was titled the “Susan B. Anthony Prenatal Nondiscrimination Act.” Since then, it has been reintroduced in the House three times. In 2013 and 2014, Senator Vitter (R-LA) introduced sex-selective abortion bans in the Senate.30

RACE-SELECTIVE ABORTION BANS

The first iterations of the sex-selective abortion ban were part of a larger legislative package, the “race- and sex-selective abortion ban.” The race piece of the bills supposed that Black women were having abortions because of the race of their children and that reproductive health clinics were strategically placed in Black communities as part of a eugenicist plot to commit racial genocide. Black reproductive justice activists have since made it abundantly clear that these measures would harm women in their community by making abortion care inaccessible. Fighting against these bans, they pled with lawmakers to “trust Black women” to make their own decisions about their health and families. Most of the recent versions of the sex-selective abortion ban are unaccompanied by the race measure. Arizona has the country’s only race- and sex-selective abortion ban.
FACTS ABOUT

THE IMPACT OF SEX-SELECTIVE ABORTION BANS

A SLIPPERY SLOPE: Sex-selective abortion bans are based on a woman’s reasons for terminating her pregnancy, opening the door for politicians to further intrude into the personal health decisions of women. They set a dangerous precedent for defining what reasons are or are not acceptable for seeking an abortion and could lead to even more restrictions on access to safe, legal reproductive health care.

LEGITIMIZING HARMFUL RACIAL STEREOTYPES: Sex-selective abortion bans are justified by the notion that AAPI women terminate pregnancies based on son preference. Statements made by lawmakers supporting these bans illustrate the racial stereotypes underlying such measures and indicate that the true intentions of such bans are to restrict access to abortion services.

NAPAWF and our partners in the AAPI community see this as a continuation of a long line of anti-Asian policies in the U.S. based on xenophobic stereotypes. Immigration laws in the 1800s excluded Chinese women due to stereotypes that they were sex workers. During WWII, over 110,000 Japanese Americans were sent to internment camps because of the stereotype that they were dangerous to Americans. In these camps, Japanese women were forcibly sterilized, a little-known fact left out of history books.

In 2013, the ACLU sued Arizona on behalf of NAPAWF and NAACP challenging the state’s race- and sex-selective abortion law on the grounds that it unconstitutionally discriminates against people of color. The discriminatory nature of this ban has also led the San Francisco Board of Supervisors and the Oakland City Council to issue resolutions condemning it as harmful to women and the AAPI community.

LIMITING HEALTH ACCESS FOR AAPI WOMEN: Because sex-selective abortion bans are difficult to enforce, fearing criminal or civil penalties, abortion providers may rely on stereotypes to scrutinize AAPI women in ways other women are not subject to. This increased scrutiny can interfere with the trust between a doctor and her patient, and cause a woman to feel uncomfortable sharing important information for her health. Some versions even require health professionals to violate doctor-patient confidentiality and report suspected violations of the law to authorities. These bans undermine the open and honest communication between doctors and patients that is crucial to proper medical care.

“We know that people from those countries and from those cultures are moving and immigrating in some reasonable numbers to the United States and to Arizona.”

— Arizona State Sen. Rick Murphy, in support of AZ HB 2443

Providers may even choose to deny care to AAPI women in the face of the harsh penalties these laws impose, including up to 10 years behind bars. AAPI women already face many barriers to health, including immigration status, lack of health insurance, limited English proficiency, and financial restraints. They do not need another obstacle.
June 2015

Sex-selective abortion bans are an anti-abortion ruse that presents a false choice between gender equity and abortion rights. These abortion bans are now law in 7 states—Arizona, Kansas, Oklahoma, Pennsylvania, North Carolina, North Dakota, and South Dakota—and were the second most-proposed abortion ban in the country in both 2013 and 2014.

THE LEGISLATION

These abortion bans make it illegal for a doctor to perform an abortion when she knows or suspects her patient is seeking an abortion due to a preference for the sex of her child. In some cases, they also require health providers to report a woman to law enforcement even in cases where they are only suspicious about her motives. If a doctor or nurse violates the law, they can face jail time, fines, and even lawsuits from a woman’s family.

Supporters of the bans claim they are concerned about women’s rights and gender equity. We need look no further than the voting records of legislative sponsors to see that not only do supporters of this ban vote against abortion access and family planning but they also consistently oppose policies like pay equity, health care access, safety net benefits for women and children, and greater protection for survivors of domestic violence. The truth is that these abortion bans are part of a deceptive strategy being employed to limit women’s agency and power in their own lives.

A GROWING TENDENCY

The number of sex-selective abortion bans has increased significantly in recent years. Before the year 2010, only two states banned sex-selective abortions: an Illinois ban passed in 1975 and a Pennsylvania ban passed in 1982 (though the Illinois law was removed by state courts).33 Since the ban was first introduced in the U.S. House of Representatives in 2008, a legislative trend emerged. Today, sex-selective abortion bans are the law in Pennsylvania, Arizona, Kansas, North Carolina, North Dakota, and South Dakota.35 Although a ban also passed in Oklahoma, it was later invalidated in court.36 At the federal level, the ban was proposed for the first time in 2008 by Rep. Trent Franks (R-AZ). It was titled the “Susan B. Anthony Prenatal Nondiscrimination Act.” Since then, it has been reintroduced in the House three times. In 2013 and 2014, Senator Vitter (R-LA) introduced sex-selective abortion bans in the Senate.37 The proliferation of these bans is not likely to end soon: they were the second most-proposed abortion ban in the country in both 2013 and 2014.
HARM TO ASIAN AMERICANS & PACIFIC ISLANDERS

AAPIs are the fastest-growing racial group in the country. Between 2000 and 2010 alone, the AAPI population grew at a rate of 46 percent, more than four times faster than the total U.S. population. We believe it is not a coincidence these abortion bans have been proposed and passed in states with some of the fastest-growing AAPI populations.

NAPAWF is particularly outraged by these bans because they stereotype and jeopardize the health of Asian American and Pacific Islander (AAPI) women to push a political agenda. Supporters of these bans claim they are necessary because of Asians who migrate to the U.S. and bring “backward” values with them. This stereotype about the values of the AAPI community is not only ugly—it is dangerous and inaccurate. These bans could lead to AAPI women being singled out for special questioning or even being denied care.

The 2014 University of Chicago Study. Importantly, according to 2014 University of Chicago study of population data, AAPI women are actually having more girl babies on average than White Americans. This analysis of American Community Survey (ACS) data from 2007 to 2011 found that foreign born Chinese, Indians and Korean Americans had 2,772 more girls than whites during the data period. That is, if white Americans and foreign-born Chinese, Indians and Koreans had the same number of children, white Americans would have 2,772 less girls than foreign born Chinese, Indians and Koreans. The same figure was calculated for all Asian Americans and found approximately the same results. Exploiting xenophobia against Asians, abortion opponents aim to further their goal of turning the clock farther and farther back on reproductive freedom.

IMPACT ON ALL WOMEN

Furthermore, sex-selective abortion bans open the door for politicians to further intrude into the personal health decisions of women. They set a dangerous precedent for allowing politicians to begin defining what are good and bad reasons for seeking an abortion, and are a slippery slope to even more restrictions on access to safe, legal reproductive health care for women. They also undermine the trust that is critical to doctor-patient relationships. By forcing doctors to scrutinize women and report a patient’s motivations for seeking care to authorities, sex-selective abortion bans would interfere with open, honest communication between doctors and patients.

REAL SOLUTIONS

The root cause of son preference, which can result in sex-selection and does occur in some Asian countries, is gender inequality. Therefore, in places where sex-selection needs to be addressed, the solution is enacting policies that empower women economically and socially—thus promoting equality. For example, policies that allow women to have equal pay, to inherit, to be free from violence, and to access the health care they need would make women stronger and more financially self-sufficient, thus reducing the preference for boys in the first place. This is the method support by experts on the issue, including the United Nations and the World Health Organization.
DEFENDING AGAINST SEX-SELECTIVE ABORTION BANS

KEY TACTICS

IDENTIFYING ALLIES: Because this is an intersectional issue, it will be critical to identify allies outside of the reproductive health field who can speak to the issue publicly and who will support you in activating the broader community. AAPI women are the best messengers, as AAPI women are the people impacted by this legislation. Other good messengers are AAPI men and people of color. AAPI community members who can speak to how their own lives defy the stereotype that AAPI families don’t want girls would be strong spokespeople. If there are AAPI women leaders in your network, reach out to them. You should also reach out to local progressive AAPI organizations to make them aware this is an issue and see if there are people from their groups who would be interested in joining this fight. There are many AAPI anti-domestic violence organizations across the country, and these groups in particular are important to reach out to.

IDENTIFYING CHAMPIONS: Progressive AAPI lawmakers make the best champions on this issue. However, progressive lawmakers who represent districts with large AAPI populations, people of color who are strong advocates of civil rights, and lawmakers who are reproductive rights champions are also good prospects.

EDUCATIONAL FORUMS: This piece of legislation is intentionally confusing and your supporters may feel uncomfortable opposing before learning about its history and the true purpose. It is important to provide your constituents and champions with information about the evolution of this bill and what anti-abortion advocates hope to do by spreading it across the country. It is also important that those opposing the bill understand the impact on AAPI women, the importance of centering them in this fight, and what the AAPI population in their state looks like. NAPAWF staff are available to deliver in-person or online issue trainings, and to talk with champions.

MESSAGE TRAINING: It can be difficult to speak on this issue in the most effective way. There are tested messages in this toolkit that have built on years of strategic messaging and have been found to be effective with voters. You should ensure that you, your constituents, your allies and your champions are well versed in them. You may hold an in-person or online message training. NAPAWF staff are available to deliver this training if needed.

MEDIA STRATEGY: Getting this issue into local media in a positive light can be very helpful for shifting the harmful narrative being told about AAPI women’s reproductive decision-making, and for exposing this deceptive bill for what it really is. Think about putting out press releases, op-eds, and LTEs during key moments in the legislative fight. You may also host a press call or conference to gain maximum attention.

AMENDMENT STRATEGY: You may want to work with champions to introduce amendments in order to make the bill toxic in order to kill it, to make it more bearable if you know it will pass, or to shame lawmakers who vote for it. There are amendments and amendment ideas on file with NAPAWF staff, who you can reach out to for support with amendment strategy.
MESSAGES FOR SEX-SELECTIVE ABORTION BANS

The following message recommendations were created by the COMS Project for sex-selective abortion bans. They are based on opinion research conducted by Hart Research Associates in January 2015. A series of focus groups were followed by a telephone poll that sampled a national cross section of 875 voters and an oversample of 236 Asian American and Pacific Islander voters. The research was commissioned by Planned Parenthood Action Fund, the National Asian Pacific American Women’s Forum, NARAL Pro-Choice America, the Reproductive Health Technologies Project, and the COMS Project.

CORE MESSAGE

These abortion bans open the door for politicians to further intrude into personal decision-making.

RECOMMENDED SUPPORTING MESSAGES

A ban like this opens the door for politicians to further intrude into the personal health decisions of women. It sets a dangerous precedent for defining what reasons are or are not acceptable for women seeking an abortion and could lead to even more restrictions on access to safe, legal reproductive health care for women.

With so many other important priorities, such as supporting our economic recovery and dealing with a slow job market and constant threats of terrorism, Congress and state legislatures should be focused on things other than intruding on women’s personal decisions.

Patients must be able to trust their doctors to keep their personal and private information confidential. These laws would interfere with open, honest communication between doctors and patients by forcing doctors to report a patient’s motivations for seeking care to authorities.

If you need to say more:

• This ban would allow family members to sue doctors for performing a sex-selective abortion at their patient’s request. By threatening doctors, these laws put doctors in the position of policing their patients for the government.

• This ban would be difficult to enforce; there is no obvious way to know why a woman makes a decision to end a pregnancy and doctors should not be responsible for interrogating her.

This bill is not the way to address discrimination against women and girls. You can’t give women rights by taking away their rights. Banning certain abortions will not provide a real solution to gender discrimination and does nothing to address its root causes.

If you need to say more:

• There are better ways to combat gender inequity than taking away our ability to make personal medical decisions.

• We support policies that have been shown to be effective in decreasing discrimination and improving the lives of women and girls. (These include improving education, health care, pay equity, and child care -- add others depending on your own organization).

For Select Audiences

Bans on sex-selective abortion spread racial stereotypes that Asian Americans are likely to have sex-selective abortions because they prefer boys. This could lead to Asian-American women being singled out for special questioning or denied care.

Recent census data shows that foreign-born Indian-, Chinese-, and Korean-American women actually have more girls overall than white Americans.
# Messaging Do’s and Don’ts

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<tr>
<th><strong>Do’s</strong></th>
<th><strong>Don’ts</strong></th>
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<tbody>
<tr>
<td><em>Do</em> assume that the general public knows little to nothing about this issue or related bills.</td>
<td><em>Don’t</em> ignore or dismiss audience concerns with sex-selective abortion.</td>
</tr>
<tr>
<td><em>Do</em> underscore values the audience believes in—opposing political interference in personal decision-making and opposing gender stereotypes and discrimination, and why these bills violate those values.</td>
<td><em>Don’t</em> deny that they occur, but <em>do</em> clarify the facts as needed.</td>
</tr>
<tr>
<td><em>Do</em> briefly explain the bill. For example: “The bill would criminalize a doctor who knowingly performs an abortion sought on the basis of sex and would require nurses or doctors to report suspected cases.”</td>
<td><em>Don’t</em> get into a conversation about numbers or rates. Instead, respond to the opposition’s numbers with our core messages.</td>
</tr>
<tr>
<td></td>
<td><em>Don’t</em> lead with messages about racial stereotyping. These were somewhat less effective. If you plan to use them, do so with our base, including those who strongly support legal abortion, Democrats, AAPI supporters of legal abortion, and college-educated women. These messages would also likely work well with people of color and racial justice advocates.</td>
</tr>
</tbody>
</table>
FREQUENTLY ASKED QUESTIONS

What do these bans do?

• These bans would criminalize a doctor who knowingly performs an abortion sought on the basis of sex and would require nurses or doctors to report suspected cases.

• It also would allow a woman’s family members to sue the provider if they think a sex-selective abortion was performed.

How frequently do sex-selective abortions occur in the U.S.? (For responses only, do not raise “frequency” proactively.)

• Leading independent experts say there is no evidence that sex-selective abortion is common or increasing in the United States. More important than its frequency is that banning sex-selective abortions is not a solution to gender discrimination.

• Recent census data shows that foreign-born Indian-, Chinese-, and Korean-American women actually have more girls overall than white Americans.

Are you saying sex-selective abortions are acceptable? Why don’t you care more about those baby girls?

• Of course we don’t support a preference for sons or sex selection that can result from it. But this is not the solution. We can’t support women by undermining their rights. This bill would do more harm than good.

• If this were actually an issue that needed to be addressed in the U.S., the real solution would be getting to the root of the problem: gender inequity. If the lawmakers behind this bill were really concerned about this, they would be voting for pay equity, for measures that protect women from violence, and for all the things that would create a society where bringing girl children into the world is less scary.

You say many people are “uncomfortable” with sex-selection – then what should a provider do when a woman comes in and asks for one?

• We can never know all the specifics of a woman’s personal situation and it is not up to a provider to question a woman’s reasons for abortion. It is important that our laws do not interfere with open, honest communication between a doctor and patient.

What about the women being coerced into abortions for sex-selection?

• No woman should be coerced into any reproductive decision, whether that is ending a pregnancy or continuing one against her will. The best way to help a woman in a coercive situation is to work with health care providers, not criminalize them.

Do you really think Asian communities here aren’t doing what they do abroad?

• The circumstances in the United States are very different than abroad. The pressure caused by the one-child policy in China, the dowry system in India, and the overall lack of opportunity for women is what causes a preference for sons. The United States is not India or China.

But what about studies that say it occurs in Asian American communities?

• There is actually newer data from the University of Chicago showing that Asian Americans have on average more girls than white Americans do, but even if this was a big problem that needed to be addressed—banning abortion is not the solution.
Hearing questions from champions

If you are preparing for a hearing and have relationships with friendly lawmakers on the committee, these are questions you can suggest they ask you.

What is the harm that this law would do to women?

If this becomes law, women will be turned into suspects in the doctor’s office, and the trust between women and their doctors—which is essential to proper medical care—will be undermined. Further, this law would open the door to even more abortion restrictions based on a woman’s reasons. Today it is sex-selection, what will it be tomorrow?

In Asian American communities, what are some of the actual obstacles for women that need to be addressed?

Women in our community are facing many obstacles. Among them are low rates of insurance and barriers to insurance coverage due to immigration status. Women in our community have some of the highest rates of cervical cancer and lowest rates of seeing a doctor for a routine gynecological check-up. Domestic violence and mental health are also big issues in our community. These are the kinds of issues we would like the legislature to focus on, instead of restricting our access to abortion.

Is banning abortion in this way a good way to put an end to the preference for sons?

No. We cannot work for women’s equality by restricting women’s rights. If this was a big problem in the United States, the solution would be to improve the standing of women by supporting policies like equal pay and paid maternity leave. This is what has worked in other countries, and what international experts recommend.
Dear Members of the Judiciary Committee:

We write to express our opposition to [bill number and name]. This deceptive sex-selective abortion ban undermines the trust of a patient for her doctor and opens the door for further restrictions on reproductive health. We in no way support sex-selective abortion, but this ban is unnecessary and does more harm than good.

[Insert brief paragraph about your organization here]

As an organization concerned about the health and wellbeing of women, we are insulted by the suggestion of this bill’s sponsors that it will further gender equality. We cannot improve the status of women in the United States by chipping away at women’s rights. This measure questions a woman’s reasons for having an abortion. If enacted, this measure would send us down a slippery slope that would endanger women’s health and turn back the clock on reproductive rights. It would open the door to more abortion bans based on a woman’s motives.

Moreover, this measure creates mistrust between a woman and her doctor. By imposing criminal penalties on providers and forcing them to scrutinize the motives of their patients, it discourages the open communication necessary for optimal health care. Women need to be able to trust their health providers.

Furthermore, laws that cannot be enforced should not be enacted. It is unreasonable to enact such a law in spite of the difficulty it would take to determine why a woman decided to have an abortion.

Lastly, there are many more important issues this Congress should be spending its time on. If House Representatives truly want to support gender equality, they can put their effort toward issues like pay equity, improving maternity leave policies, and creating jobs for women. Recent research has shown that sex-selective abortion is not a problem that needs to be addressed in the United States. Bill sponsors claim that Asian Americans are practicing this type of abortion. However, economists at the University Chicago School of Law have analyzed population data and determined that Asian Americans are in fact having more girls on average than white Americans are. The proponents of this abortion ban have the wrong priorities.

At this time, when women are facing an unprecedented number of restrictions on our reproductive health access, we need our elected officials to stand up for us. Please vote NO on [bill number], an underhanded attack on women’s health.

Sincerely,

[Organization name]
Dear Members of the [insert committee name here]:

Our organization is very concerned to see the fight against gender inequity being misappropriated to push a bill that does nothing to improve the status of women, but instead imposes additional barriers on women in the United States. Moreover, this bill promotes racial stereotypes in order to chip away at abortion rights. Therefore, we strongly oppose [bill number].

[Insert brief paragraph about your organization here]

Sex-selective abortion bans are based on a woman’s reasons for terminating her pregnancy, opening the door for politicians to further intrude into the personal health decisions of women. It sets a dangerous precedent for defining what reasons are or are not acceptable for seeking an abortion and could lead to even more restrictions on access to safe, legal reproductive health care. Moreover, they are difficult to enforce and trying to determine a woman’s motives can mean a doctor must question a woman in ways that cause discomfort and mistrust. These bans undermine the open and honest communication between doctors and patients that is crucial to proper medical care.

Additionally, this bill promotes stereotypes about the Asian American community. Referencing the sex-selection occurring in India and China, supporters of this bill make race-based assumptions about Asian Americans and claim that we need such abortion bans in the U.S. because of this community. The truth is that, according to a demographic study completed in 2014 by the University of Chicago, Asian Americans in the United States are in fact having more girls on average than white Americans are. The attempt to conjure up xenophobic ideas of Asian Americans is not lost on us. Passing this measure would be a grave injustice to Asian Americans in our state, who make up [insert number] percent of the population.

Instead of empowering women of color to make informed, personal health care decisions, this bill prevents them from doing so. Similarly, there are numerous examples of on-going legal and constitutional gender discrimination, such as pay equity or gender-based violence. Yet this bill does nothing to address gender discrimination. Indeed, this bill places additional barriers between women and their health care.

The sponsors of this bill have the wrong priorities. We believe there are effective ways to take on the complex problem of gender discrimination and we would welcome the opportunity to work with you to advance legislation that would improve the status of women in the United States.

Please oppose [bill number].

Sincerely,
Deceptive abortion ban opens a dangerous door
by [NAME]

Across the United States, anti-abortion politicians are accusing Asian American women of having abortions because they do not want daughters. By insinuating that Asian American women cannot be trusted, these politicians are attempting to mask their true intention and deceptively roll back the clock on women’s access to abortion.

“Sex-selective abortion” flies in the face of feminist sensibilities and is a serious problem in countries where women are not afforded the status they are in the United States, like India and China. However, it should not be a priority issue for lawmakers here. We know through a recent study conducted by the University of Chicago School of Law that Asian Americans are in fact having more girls on average than white Americans are.

Sex-selective abortion bans have been passed in eight states and proposed in another 20. A federal ban was introduced on the first day of the 114th Congress. They may sound well intentioned, but they are part of a broader strategy to erode a woman’s constitutional right to choose to terminate a pregnancy.

These bans can do great harm to women. By questioning a woman’s decision making, they open the door to more and more abortion restrictions based on a woman’s reason for terminating her pregnancy. What reason will they ban next?

Furthermore, the bans interfere with the important trust between a doctor and her patient. In fear of jail time, doctors could scrutinize the decisions of women— and Asian American women in particular, given the accompanying rhetoric. For a woman with a language barrier, a simple misunderstanding can result in denial of care.

Son preference is a real challenge in some countries. But even in such cases, restricting women’s rights is not an effective strategy to promote women’s equality.

If lawmakers truly wanted to help women and girls, there are much better ways to do so— like ensuring equal pay, addressing sexual assault on campuses, or expanding access to health care. Opening the door to more and more abortion bans based on a woman’s reasons is not the way to address gender inequality.

Using these deceptive bans to further a political agenda of stopping access to abortion is harmful and should be firmly rejected.
To the Editor:

I am writing in outrage to the [introduction of /hearing on/passage of] a so-called “sex-selective abortion ban” in this state. This measure is nothing but a ruse designed to chip away at abortion access while pretending to promote gender equality. [Sponsor's name] claims to care about the status of women and girls. The reality is that it actually furthers gender discrimination by creating distrust between doctors and their patients and making it more difficult for women to access the care they need when they need it. Moreover, it opens the door to more and more abortion bans based on a woman’s reasons for terminating her pregnancy. These lawmakers need to get their priorities straight—if they truly wanted to lift up the status of women, they would pass laws that give women greater agency and empower them. There are better ways to combat gender discrimination than taking away a woman’s ability to make personal medical decisions.”

[Your name here]
Sample Short-Form Posts

Hashtag recommendation: use a hashtag popular in your network and/or followed by lawmakers and journalists who cover state bills

[BILL #] would open the door to more and more abortion bans. We won’t be fooled!

Let’s keep our priorities straight. Banning sex-selective abortion in the US just doesn’t make sense!

Vote NO on [BILL #]

Sex-selective abortion bans are wolves in sheep’s clothing. Say NO to [BILL #] and stand up for women!

[BILL #] is an attempt to pass an anti-choice measure by exploiting AAPI women. We see right through it!

Sample Long-Form Posts

Anti-choice legislators are calling for a “sex-selective abortion ban” based on stereotypes of Asian American and Pacific Islander families. Join us in sending a clear message: we won’t stand for laws that rely on racial stereotypes and undermine women’s health!

Our elected officials need to keep their priorities straight! Banning “sex-selective abortion” here in the U.S. simply makes no sense. If they want to help women, what about equal pay? What about health care access? This is just an underhanded way to chip away at abortion rights, and open the door to more and more dangerous restrictions based on a woman’s reasons. We’re not buying it!

We can’t empower women by taking away women’s rights! Tell your elected officials that banning sex-selective abortion is bad for women’s health. Women should always be able to access the full range of reproductive health services, including abortion, to make the best decision for herself and her family. If they want gender equity, there are much better—and actually effective—ways to do it!

Anti-abortion politicians are pushing measures that not only stereotype Asian Americans but that can cause AAPI women to become suspects in the doctor’s office. Every patient should be able to trust her health care provider, and feel comfortable sharing what she need to in order to get the best possible treatment. Stand with us in speaking out against deceptive and harmful “sex-selective abortion bans!”
<table>
<thead>
<tr>
<th>State</th>
<th>AZ</th>
<th>IL (off the books)</th>
<th>KS</th>
<th>NC</th>
<th>ND</th>
<th>OK</th>
<th>PA</th>
<th>ND</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Exception for fetal genetic disorder</strong></td>
<td>No</td>
<td>Yes</td>
<td>No</td>
<td>No</td>
<td>No</td>
<td>Yes</td>
<td>No</td>
<td>No</td>
</tr>
<tr>
<td><strong>Duties imposed on providers</strong></td>
<td>Must report known violations</td>
<td>None</td>
<td>None</td>
<td>No affirmative duty to inquire whether sex is a significant factor</td>
<td>None</td>
<td>None</td>
<td>None</td>
<td>None</td>
</tr>
<tr>
<td><strong>Sex of the fetus factor</strong></td>
<td>Liability if it is one factor</td>
<td>Liability only if it is the sole factor</td>
<td>Liability only if it is the sole factor</td>
<td>Liability only if it is the sole factor</td>
<td>Liability only if it is the sole factor</td>
<td>Liability only if it is the sole factor</td>
<td>Liability if it is one factor</td>
<td></td>
</tr>
<tr>
<td><strong>Knowledge re: performance</strong></td>
<td>Knowledge or an objective reason to know</td>
<td>Knowledge</td>
<td>None</td>
<td>None</td>
<td>None</td>
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</tr>
<tr>
<td><strong>Knowledge re: intent</strong></td>
<td>Knowledge</td>
<td>Knowledge</td>
<td>Knowledge</td>
<td>Knowledge</td>
<td>Knowledge</td>
<td>Knowledge</td>
<td>Knowledge</td>
<td>Knowledge</td>
</tr>
<tr>
<td><strong>Intention required</strong></td>
<td>Class 3 felony</td>
<td>Monetary damages</td>
<td>Attorneys’ fees</td>
<td>Injunctive relief</td>
<td>Class A misdemeanor</td>
<td>Refusal, denial, revocation, suspension or withdrawal of license, certificate, or permit</td>
<td>Monetary damages</td>
<td>Statutory damages</td>
</tr>
<tr>
<td><strong>Penalties and remedies for violations</strong></td>
<td>Any person who carries out the prohibited acts (the woman is explicitly exempted)</td>
<td>Any person who carries out the prohibited acts (the woman is explicitly exempted)</td>
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<td>Any person who carries out the prohibited acts (the woman is explicitly exempted)</td>
<td></td>
</tr>
<tr>
<td><strong>Who can be sued?</strong></td>
<td>Father of fetus who is married to the woman</td>
<td>None</td>
<td>None</td>
<td>None</td>
<td>None</td>
<td>None</td>
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<td>None</td>
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*Summary of Laws Banning Sex-Selective Abortions in the United States*

*Last Updated: 1/26/15*
TIME: 2 HOURS

Summary

This session will offer an interactive space for participants to learn how “sex-selective abortion bans” are being used in the United States to chip away at abortion rights, and how to speak effectively about this issue.

Goals:

1. Introduce participants to the issue of sex-selective abortion bans
2. Familiarize participants with effective messages

TIP: Share the issue primer, made up of pages 4-12 of this toolkit, with participants at least a few days beforehand. This will give them a chance to familiarize themselves with the issue before the workshop and save some time during the session. At the start of the session, share a binder containing the issue primer, message recommendations, and frequently asked questions from this toolkit.

Icebreaker (15 minutes)

The purpose of this activity is to get participants to connect with each other, and also to get them thinking about how they personally connect to the fight against sex-selective abortion bans.

If your group hasn’t met yet, have everyone go around and say their names and any basic information you want them to share. Then, ask folks to stand up in a circle.

Tell them you’ll be reading out several statements and that when one of the statements applies to them, they should move to the center of the circle. Read the following statements (feel free to modify):

| (1) I like ice cream | (2) I’m an only child | (3) My favorite color is red |
| (4) I like dogs better than cats | (5) I’m in immigrant | (6) My parents are immigrants |
| (7) I want children one day | (8) I have been stereotyped based on my gender, race, or sexuality | (9) I believe we should trust people to make their own decisions about abortion |

After the activity, explain to participants the intended purpose of the exercise.
Issue Presentation (20 minutes)

Using the issue primer at the start of this toolkit, share with the group what “sex-selective abortion bans” are and what they do. (If you would like to use a PowerPoint presentation, you may request a template from NAPAWF.) Make sure to cover the following bases:

• What the language of the bill says
• Legislative status: Which states have the law, how often it has been proposed across the country, where the bill stands in your state
• The hypocrisy behind the bill and what it is really about—banning abortion
• How the bill would impact women and the AAPI community: opens the door to more and more abortion bans that question a woman's reasons, stereotype AAPIs and can lead to AAPI women being turned away from the doctor's office
• If the AAPI community is large or fast-growing in your state, include facts about the AAPI community size and growing political power

Take questions from the group.

Message Training (60 minutes)

Presentation (20 minutes): Using the message recommendations in this toolkit, talk participants through the most effective messages. (If you would like to use a PowerPoint presentation, you may request a template from NAPAWF.) Share with participants that these messages came from the results of 4 focus groups and opinion polling with 800 voters across the country. The top 3 messages to emphasize are:

• A ban like this opens the door for politicians to further intrude into the personal health decisions of women.
• With so many other important priorities, legislators should be focused on things other than intruding on women's personal decisions.
• Patients must be able to trust their doctors to keep their personal and private information confidential.

Stop to take questions, and then talk participants through the frequently asked questions. Then, take another few minutes to answer any questions the group may have.

Fishbowl (15 minutes): Ask for 2 brave volunteer who are feeling gutsy and what to try out these messages in front of the group. Once you have the volunteers, thank them for being brave. Assign one the role of friendly lawmaker who has never heard of sex-selective abortion bans and assign the other the role of advocate. Instruct the lawmaker to be very curious, asking lots of clarifying questions about this confusing subject, e.g. So, you want me to take a position in favor of sex-selection? But shouldn’t we be trying to stop the few cases that do happen? Instruct the advocate to educate the lawmaker as much as possible on this issue. Give the pair 5-7 minutes to discuss, and then stop to debrief with the larger group. Ask the actors how it felt to be in the hotseat. Ask the larger group if they would have answered any questions differently, and what they thought the actors did well.

Roleplay (25 minutes): Ask participants to pair off. Tell them they will be roleplaying to practice the messages they just learned, and to get comfortable answering tough questions. Tell them to choose who will play a friendly lawmaker and who will play a hostile one. For the first 7 minutes, they will roleplay as friendly lawmaker and advocate. Then, ask the pairs to switch. For the next 7 minutes, they will roleplay as hostile lawmaker and advocate. When this is over, bring the group back together to debrief. Ask: How did it feel to roleplay? What was the most difficult part? What did you learn from that exercise? Are you feeling more comfortable with the messages after doing this?

Closing (10 minutes)

Ask the group to go around the room and share what they are taking away, and how the plan to use what they learned.
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Replacing Myths With Facts: Sex-Selective Abortion Bans in the United States

A project of Advancing New Standards in Reproductive Health, the International Human Rights Clinic at the University of Chicago School of Law, and the National Asian Pacific American Women’s Forum. Available at www.ihrclinic.uchicago.edu.

Taking a Stand: Tools for Action on Sex-selection


Preventing Gender-Biased Sex-selection: An Interagency Statement

From OHCHR, UNFPA, UNICEF, UN Women and WHO. Available at www.who.int/en/.

A Community of Contrasts: Asian Americans in the United States


Sex-Selective Abortion Bans: Anti-Immigration or Anti-Abortion?


Video Testimony


Testimony in support of San Francisco Resolution condemning Sex-Selective Abortion Bans. 2014. Available at https://www.youtube.com/watch?v=BNdAfb0Hc1k.
<table>
<thead>
<tr>
<th>Reference</th>
<th>Description</th>
</tr>
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</table>


26 On file with the National Asian Pacific American Women’s Forum.


28 | ADVOCACY TOOLKIT