

## How We Know That Criminal Abortion Laws Don't Protect Women from Violence

Following the passage of New York's Reproductive Health Act (RHA) the *New York Daily News* ran an editorial by Charles Comosy titled "Did N.Y. just put pregnant women at greater risk?" Shortly after this editorial ran, Jennifer Irigoyen, a 35-year-old pregnant woman and working mother, was brutally stabbed to death by her ex-boyfriend. In response, the New York Catholic Conference tweeted "Thanks to the #RHA, it's open season on pregnant women in New York."

### Here are some truths with which to respond to these outrageous claims:

- Justice for Ms. Irigoyen and her family will not be achieved by using her death as a basis for attacking New York's Reproductive Health Act (RHA) or supporting criminal abortion laws that make women vulnerable to arrest and violence.
- The suggestion that criminal abortion laws protect women from violence is a cruel myth.
- During the 47 years New York's criminal abortion law was in effect, more than one hundred thousand women in New York City experienced intimate partner violence and many of these women were murdered. Nearly 4% of those subjected to intimate partner violence were pregnant.
- A New York City report found that in the years between 2002 and 2003 (while abortion was still very much in NY's criminal code) the rate of hospitalization related to intimate partner violence was nearly three times higher among pregnant women than among non-pregnant women.
- The suggestion by opponents of the RHA that laws criminalizing abortion and treating fetuses as separate crime victims somehow protect pregnant women from violence is a fairytale. Thirty-eight states have specific fetal assault, feticide, or homicide laws that treat fertilized eggs, embryos, or fetuses as separate crime victims. There is not a shred of evidence that these laws have reduced violence against pregnant women.
- There is well-documented evidence that criminal abortion and feticide laws have been used, not to protect pregnant women, but to lock them up. Examples:
  - A woman in Iowa who fell down a flight of stairs while pregnant was arrested for attempted feticide.
  - Women in California, Georgia, Tennessee, Indiana, and Utah who experienced stillbirths or losses shortly after delivery have been arrested under feticide laws.
  - Even when states do not charge women directly under criminal abortion or feticide laws, prosecutors typically cite these laws as authority for subjecting pregnant women to forced

medical interventions and for interpreting generally-worded child endangerment laws, drug delivery laws, and other criminal statutes as ones that may be used to arrest pregnant women themselves.

- In South Carolina, a pregnant woman who drinks alcohol, uses any amount of a controlled substance, attempts suicide, or experiences a pregnancy loss faces the possibility of arrest under numerous state criminal laws. Moreover, despite the fact that South Carolina has a feticide law and addresses abortion through its criminal law system, it continues to be among the nation's deadliest states for women.
- New York's criminal abortion law has been used as justification for forcing a competent pregnant woman to undergo an unneeded and unwanted major medical intervention that caused her injury.
- While the conviction was eventually overturned, New York's criminal abortion law was also relied on to prosecute and convict a woman for manslaughter after she lost her pregnancy as a result of a car accident she allegedly caused.
- A New York City report found that women at higher risk of death or injury due to intimate partner violence include “young women, black and Hispanic women and women who live in neighborhoods with very low median income.” Nationally, we know that women at higher risk of being arrested, detained, or forced to submit to unwanted medical procedures as a result of criminal abortion and related feticide laws are low income women, Black women and other women of color.
- Equating pregnancy termination with murder is undoubtedly a contributing factor to violence against women. Cases abound where those committing violence against women have done so as retribution for ending a past pregnancy or as a means of stopping a pregnant woman from having an abortion.
- Countries such as those in Latin America and particularly Central America where abortion is completely banned or legal only when a woman's life is at risk or in cases of rape or incest have among the highest rates of gender-based sexual violence and femicide in the world.
- The RHA does not allow murderers to escape punishment. Ms. Irigoyen's ex-boyfriend has been arrested on multiple charges including murder, tampering with physical evidence, and criminal possession of a weapon. He is being held without bail. While there may be additional charges to come, he faces the possibility of life in prison.
- Ms. Irigoyen's tragic death should not be used to further a political agenda that is dangerous to women. Instead, we should find ways to support her family such as [www.gofundme.com/jennifer-irigoyen](http://www.gofundme.com/jennifer-irigoyen), while acknowledging our collective grief and the need to end violence against pregnant women.

National Advocates for Pregnant Women

Info@AdvocatesforPregnantWomen.org | 212.255.9252 | [www.AdvocatesforPregnantWomen.org](http://www.AdvocatesforPregnantWomen.org)