

8 KEY POINTS ABOUT PRENATAL PERSONHOOD

- 1. Prenatal personhood measures impose one definition of when life begins on everyone, regardless of their beliefs.** Personhood measures seek to change U.S. law to define life as beginning at the moment of conception or fertilization, thus attempting to impose one group's view of when life begins on everyone.
- 2. Prenatal personhood measures threaten women's access to crucial reproductive health services.** Prenatal personhood measures are intended to completely and absolutely ban abortion, with no exceptions. Moreover, many of these measures would effectively ban common forms of contraception and restrict physicians' ability to provide fertility treatments.
- 3. Prenatal personhood measures have gained no legal traction in the United States.** Prenatal personhood measures have been rejected by legislators, voters and courts across the country. Nonetheless, fringe groups continue to push them.
- 4. Recognizing prenatal personhood would be unconstitutional.** Any measure enacted in the United States which grants prenatal personhood status would directly conflict with the United States Constitution. The U.S. Supreme Court has noted that determining when life begins is a matter of personal liberty, not a decision to be imposed by law.
- 5. Prenatal personhood is not recognized by international human rights law.** Under international human rights law, human rights attach at birth, and not before.
- 6. International human rights law emphasizes the importance of protecting women's "right to life."** International human rights treaties, including those drafted and/or ratified by the U.S., have right to life provisions that apply at birth. Moreover, international human rights standards consistently emphasize the importance of protecting women's right to life by removing barriers that interfere with the realization of their reproductive rights and by taking proactive steps to ensure that women have access to high quality pregnancy-related care.
- 7. Creating rights before birth harms women and families.** Prenatal personhood measures could dramatically impact physicians' willingness to provide care for women with pregnancy-related complications and could negatively impact the way that physicians treat women experiencing ectopic pregnancy and miscarriage. In countries where courts or legislatures have recognized prenatal personhood, the results have been disastrous for women and their families. Here are just a few examples:
 - A **Costa Rica** court ruling outlawed in vitro fertilization (IVF), because some of the embryos created through the process would likely be destroyed. As a result, many Costa Rican couples who experience difficulties getting pregnant have been prevented from accessing IVF services.
 - Based on the scientifically-inaccurate grounds that emergency contraception could potentially cause an abortion, women in **Honduras**, including victims of sexual violence, are barred from accessing this essential means of preventing unwanted pregnancies and the related risks that unwanted pregnancies can present.
 - In **El Salvador**, a 33-year-old woman who suffered severe complications while giving birth was treated as if she had attempted an illegal abortion. She was shackled to her hospital bed, accused of murder, and subsequently sentenced to more than 30 years in prison. Later, it was determined that she had advanced Hodgkin's lymphoma, which likely caused her to have a severe obstetric emergency.
- 8. Policy measures should help, not harm, women.** Instead of seeking to enshrine in law some people's belief that life begins at conception, policymakers should pursue a range of policies to improve the lives and health of women and children, including measures to ensure healthy pregnancies, reduce maternal mortality and increase access to birth control.