

THE “PRENATAL NONDISCRIMINATION ACT”: A DANGEROUS AND CYNICAL ATTACK ON WOMEN’S HEALTH AND THE RIGHT TO SAFE ABORTION

Representative Trent Franks (R-AZ) has proposed the Susan B. Anthony and Frederick Douglass Prenatal Nondiscrimination Act, H.R. 3541, attacking American women’s right to safe abortion under the guise of prohibiting “discrimination against the unborn.” Representative Franks – who has consistently voted against numerous bills designed to eliminate actual sex and race discrimination, including the Lilly Ledbetter Fair Pay Act – has introduced a bill that cynically attacks women’s constitutional rights in the name of protecting “the unborn.”

THE PRENATAL NONDISCRIMINATION ACT IS EXTREME AND DANGEROUS:

- The Prenatal Nondiscrimination Act would make any abortion performed after an ultrasound a potential criminal offense merely because the woman happened to learn the sex of the fetus. The bill would discourage women from seeking prenatal ultrasounds and discourage doctors from providing them – putting women and their pregnancies at greater risk.
- The proposed bill is so extreme that it actually accords *greater* rights to a fetus than to the pregnant woman. The bill would permit so-called “sex-selective abortions” if necessary to save the life or preserve the health of the fetus – but it makes no such exception for the life of the woman. The termination of a pregnancy to save the fetus is permitted; a termination of a pregnancy to save a woman’s life is not.

THE PRENATAL NONDISCRIMINATION ACT IS A CYNICAL ATTACK ON ABORTION RIGHTS:

- The bill is a thinly veiled attack on abortion rights. Its sponsor, Representative Trent Franks, claims to be protecting women. But Franks has opposed numerous bills to promote gender equality and eliminate discrimination against women. On the other hand, he has co-sponsored virtually every anti-abortion bill this Congress, including a particularly extreme bill (H.R. 212) that would have granted fertilized eggs the same rights as women. A similar “personhood” proposal was recently roundly rejected by Mississippi voters.
- Franks also claims that his bill is designed to protect racial minorities, despite having consistently opposed bills to combat actual discrimination. This bill would make it harder for Asian-American women, African-American women, and women in interracial relationships to access safe and legal abortion services and reproductive healthcare.

SOLUTIONS MUST FOCUS ON REMEDYING THE INEQUALITIES UNDERLYING SON PREFERENCE:

- A group of United Nations agencies focusing on women’s rights, children’s rights, and reproductive rights, led by the World Health Organization, recommends that governments pursue three complementary approaches to reduce the incidence of son preference:
 - Implement policies to address the *root causes* of son preference;
 - Analyze the impact of laws and policies on *gender equality*; and
 - Strengthen policies to *provide safe abortion services*, including taking steps to ensure that women know how to access safe abortion services.

The experience of other countries, where sex selection based on son preference is widespread, demonstrates that attempts to criminalize sex-selective abortion are unsuccessful and counter-productive. Successful strategies focus on efforts to educate people about the value of girls and women, and aim to eliminate the underlying gender and social inequalities that lead to son preference.