

## Laws against Coerced Abortions – Are they necessary?

A package of bills called the “Coerced Abortion Prevention Act” (CAPA) has been tied up in the Michigan House Committee on the Judiciary for three years.

According to Right to Life of Michigan, *“The Coercive Abortion Prevention Act is a five-bill package that defines as a crime an act, or threat to act, against a pregnant woman as a means of intimidating or coercing her to seek an abortion. ... [It] allows a pregnant woman to bring a lawsuit against a person who engages in coercive acts against her and amends the current Informed Consent law to require abortion providers to screen each woman as to whether she is being coerced in any way to seek the abortion and requires them to inform the woman of her rights, as well as refer her to a domestic violence agency or the county prosecutor if necessary.”*<sup>1</sup>

The legislation was inspired by a Maryland study of maternal mortality<sup>2</sup> which found that a leading cause of death for pregnant women is homicide. Other research found that over 64% of post-abortive women felt pressured into their abortion decision by partners or parents<sup>3</sup> and that repeat abortions are indicative of abuse by the woman's partner<sup>4</sup>. Abortion providers are well positioned to help these women get out of abusive relationships. Is this legislation necessary?

Recently, Guttmacher Institute, a research firm sympathetic to abortion rights, published an in-depth study<sup>5</sup> on “reproductive control” as a followup to a larger survey of 1300 Planned Parenthood clients by Dr. Elizabeth Miller of the University of California-Davis<sup>6</sup>.

The researchers, acknowledging the problem of coerced abortion, concluded that, *“[r]ecent legislative efforts have been introduced across the U.S. aimed at penalizing partners who coerce a woman to have an abortion. Some of these measures attempt to penalize the doctor who provides an abortion taking place under coerced circumstances. While these data include evidence of coerced abortions, they also demonstrate that if women are unable to get an abortion demanded by their partners, some may be at risk of experiencing physical violence from the partner. Some of this violence might be perpetrated with the intention of inducing an abortion. Denying such a woman a safe abortion can therefore endanger her health.”*<sup>7</sup>

1 <http://www.rtl.org/legislation/pdf/Abortion/CoerciveAbSummaryTalkPoints.pdf>

2 I.L. Horton and D. Cheng, “Enhanced Surveillance for Pregnancy-Associated Mortality-Maryland, 1993-1998,” *JAMA* 285(11): 1455-1459 (2001); see also J. Mcfarlane et. al., “Abuse During Pregnancy and Femicide: Urgent Implications for Women's Health,” *Obstetrics & Gynecology* 100: 27-36 (2002). cited by the Elliott Institute in “Forced Abortion in America”.

3 VM Rue” et. al., “Induced abortion and traumatic stress: A preliminary comparison of American and Russian women,” *Medical Science Monitor* 10(10): SR5-16 (2004). cited by the Elliott Institute in “Forced Abortion in America”

4 “Characteristics of women undergoing repeat induced abortion”, William A. Fisher, 2005  
[www.ncbi.nlm.nih.gov/pmc/articles/PMC550633/pdf/20050301s00025p637.pdf](http://www.ncbi.nlm.nih.gov/pmc/articles/PMC550633/pdf/20050301s00025p637.pdf)

5 Male reproductive control of women who have experienced intimate partner violence in the United States  
by Ann M. Moore and Lori Frohwirth (Guttmacher Institute) and Elizabeth Miller (University of California – Davis School of Medicine)

6 Cited in Science Daily [www.sciencedaily.com/releases/2010/01/10012594503.htm](http://www.sciencedaily.com/releases/2010/01/10012594503.htm);

see also, “Reproductive Coercion: Connecting the Dots between Partner Violence and Unintended Pregnancy by Elizabeth Miller et al”, accessed from internet June 12, 2010; [www.knowmoresaymore.org/2010/06/](http://www.knowmoresaymore.org/2010/06/)

7 Male reproductive control of women who have experienced intimate partner violence in the United States

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According to these researchers, abortionists should just do the abortions since it is better for the woman to abort her 'wanted' child than to have her partner beat the child out of her. As a point of clarification, the CAPA legislation does not deny women access to abortion but does require abortion providers to inform coerced ones of their legal rights and refer them to safe havens.

For the woman seeking an abortion against the wishes of her partner, these researchers had the following advice: *“If the woman is being pressured to continue the pregnancy, a medical abortion has the potential of being passed off as a miscarriage which may help her safely terminate a pregnancy her partner wants her to continue. Yet these decisions carry risks for the woman and so a decision-making model that takes into account possible violence she may experience as a result need to be discussed with the woman and factored into the appropriate course of action.”*<sup>8</sup>

In other words, if the woman wants an abortion against the wishes of the father, the abortion provider should help her to deceive her partner and avoid violent repercussions with a safety plan.

Abortion advocates complain that CAPA legislation focuses on abortion to the detriment of women at risk of “coerced birth”. But “family planning” personnel willingly assist women who are being coerced into motherhood – unless those women want to save their unborn children. “Reproductive health providers” could make a major contribution towards breaking the cycle of Intimate Partner Violence because over 50% of their clients are victims of abuse.<sup>9</sup> Shari Roan of the L.A. Times observed that *“[p]erhaps we've been over-focused on contraceptives. Rates of unintended pregnancy might decline if more young women learned to recognize, avoid or leave abusive relationships or were given the skills and support to do so.”*<sup>10</sup> The CAPA law urges abortion providers do the right thing for all coerced women.

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8 [Male reproductive control of women who have experienced intimate partner violence in the United States](#) by Ann M. Moore and Lori Frohwirth (Guttmacher Institute) and Elizabeth Miller (University of California – Davis School of Medicine), page 11

9 The National Domestic Violence Hotline, [www.ndvh.org/2010/04/](http://www.ndvh.org/2010/04/); See also, [www.contraceptionjournal.org/article/PIIS0010782405002052/fulltext](http://www.contraceptionjournal.org/article/PIIS0010782405002052/fulltext) (September, 2005)

10 Shari Roan [http://latimesblogs.latimes.com/booster\\_shots/2010/01/unintended-pregnancy-teens-violence.htm](http://latimesblogs.latimes.com/booster_shots/2010/01/unintended-pregnancy-teens-violence.htm)