



Key Points: Why Women Should Not Be Prosecuted for Having an Abortion

- A vocal minority of anti-abortion activists are pushing for the enactment of legislation to require “equal protection” of the law for preborn children and the removal of immunity for women who undergo abortions. The practical effect of enactment of these bills is that women could be imprisoned, or in some states, incur the death penalty, for undergoing an abortion. [Supporters](#) of this approach also want to see accomplices and coconspirators punished. Part of the motivation for these laws is frustration with the large-scale mailing of chemical abortion drugs across state lines without the mail order industry being held legally accountable.

Prosecuting women is not the answer. Rather, the U.S. Food and Drug Administration should reverse its approval of the abortion drug mifepristone, or at the very least, restore the requirement that an in-person doctor’s office visit must take place before receiving mifepristone; the federal [Comstock Act](#) (which prohibits the mailing of any “article or thing designed, adapted, or intended for producing abortion”) should be enforced; and lastly, litigators should continue to challenge the legality of the “shield laws” that protect abortionists from being held accountable for sending chemical abortion drugs into other states, including states that protect preborn children.

- Women who undergo an abortion are often the second victim in an abortion, having been pressured or coerced into the abortion. A 2023 [study](#) found that in two-thirds of abortions, the abortion was "unwanted, coerced, or otherwise inconsistent with [the woman's] own values and preferences." Women often experience psychological and emotional trauma after the abortion, commonly referred to as Post-Abortion Stress Syndrome. As a victim of the abortion, women deserve compassion.
- If a state were to enact a law criminalizing women, women suffering abortion complications would be afraid to seek medical care. Post-abortive women would be afraid to seek post-abortion healing. Women who regret taking the abortion pill would be afraid to contact a practitioner that performs the Abortion Pill Reversal protocol.
- The criminal prosecution of women for an abortion will hurt the pro-life movement as a whole. There is very little public sympathy for the prosecution of a profit-driven abortionist. In contrast, media reports of women being prosecuted, some of whom may already be mothers of small children, will evoke sympathy from the public, especially if the circumstances under which she felt compelled to seek an abortion come to light. Moreover, the public will fear that their own daughters, granddaughters, wives, or siblings could be sent to jail.