



I need the
ERA because...

REPRODUCTIVE
RIGHTS ARE
HUMAN RIGHTS

In June 2022, the conservative Supreme Court of the United States (SCOTUS) overturned *Roe v. Wade* finding that no right to abortion is implicitly protected or conferred by any constitutional provision. The ERA is that missing provision, which should make it much harder to deny the right to abortion across the country.

Access to healthcare, including abortion, is a matter of equality.

Persons who become pregnant must have the right to make important life decisions about their own reproduction and have access to **abortion and a full range of reproductive healthcare**, no matter where they live. Denying access to abortion is sex discrimination because women and people who can become pregnant can never truly be equal if they don't have control over their own bodies and reproductive lives.

The decision to give birth is personal and can greatly impact one's education, occupation, financial situation as well as one's mental, emotional, and physical health. Forcing pregnancy and birth denies women and other pregnant persons equal participation in society and equal enjoyment of fundamental rights. Abortion bans disproportionately discriminate against Black, Indigenous, and other people of color, as well as economically disadvantaged communities.

Historically, due to misogynistic stereotypes and prescribed gender roles, childbearing and childrearing impact women to a significantly greater degree than men. For example, "while women represent nearly half of the U.S. workforce, they still devote more time than men on average to housework and child care and fewer hours to paid work..." and between February and August of 2020, mothers of children 12 years old and younger lost 2.2 million jobs compared to 870,000 jobs lost among fathers.

Learn more: equalitynow.org/ineedera

What could the ERA do?

By rightfully framing access to reproductive healthcare, including access to legal abortion, as fundamental to ensuring gender equality and preventing sex discrimination, the ERA would directly impact the way SCOTUS decides abortion-related and other reproductive rights cases, based on equality rather than privacy, and what federal laws Congress is encouraged to, and discouraged from, passing.

By enshrining equal rights on the basis of sex into the constitution, the ERA would enable and encourage the legislative and judicial branches to both defend against restrictive abortion bans as well as proactively extend protections to safeguard access to reproductive rights and health care. For instance, Section 1 of the ERA should elevate the degree to which the Supreme Court would scrutinize sex discriminatory laws, increasing the likelihood that they would rule against a discriminatory anti-abortion laws such as the ones that have proliferated in the wake of *Dobbs vs. Jackson Women's Health Organization*. While Section 2 of the ERA should further empower and embolden Congress to pass laws at the federal level protect and expand access to abortion, setting a standard of protection nationwide that all states would be compelled to enforce.