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## COMMON MOTION FOR A RESOLUTION

with request for inclusion in the agenda for the debate on cases of breaches of human rights, democracy and the rule of law pursuant to Rule 132(2) of the Rules of Procedure

on **U.S. Supreme Court decision to overturn abortion rights in the United States and the need to safeguard abortion rights and women's health in the EU**

tabled by

Helène Fritzon , Miapetra Kumpula-Natri **on behalf of S&D Group,**

Soraya Rodriguez Ramos **on behalf of Renew Group,**

Terry Reintke, Alice Kuhnke, Diana Riba, Kim Van Sparrentak, Anna Cavazzini, Ernest Urtasun, Alviina Alametsa; Monika Vana, Saskia Bricmon Thomas Waitz, Kira Petter-Hansen, Hannah Neumann, Piernicola Pedicini, Rasmus Andresen, Sara Matthieu, Marie Toussaint, Francisco Guerreiro, Marketa Gregorova Rosa D'Amato, Bronis Ropé , Gwendoline Delbos Corfield, Tilly METZ, Mounir Satouri, Henrike Hahn, Marcel Kolaja, Damien Carême, Mikuláš Peksa, Patrick Breyer, Ignazio Corrao **on behalf of Greens/ALE Group,**

Sandra Pereira, Maria-Eugenia Palop Rodriguez, Malin Bjork, Elena Kountoura, Silvia Modig **on behalf of the Left Group,**

*The European Parliament,*

- having regard to the European Convention on Human Rights of 1950,
  - having regard to the Convention on the Elimination of All Forms of Discrimination against Women of 1979,
  - having regard to the Charter of Fundamental Rights of the European Union of 2000,
  - having regard to its resolution of 24 June 2021 on the situation of sexual and reproductive health and rights in the EU, in the frame of women's health,
  - having regard to its previous resolution on Global threats to abortion rights: the possible overturn of abortion rights in the US by the Supreme Court adopted the 9 of June 2022 by the EU parliament;
  - having regard to the decision of the US Supreme Court of the 24th of June 2022 overturn by 5 votes for and 4 against, the Roe v. Wade, putting an end to a federal constitutional right to abortion.
  - having regard to Rules 144(5) and 132(4) of its Rules of Procedure,
- A. whereas the United States Supreme Court established a precedent in the landmark case of Roe v. Wade (1973), later affirmed in Planned Parenthood v. Casey (1992) and Whole Woman's Health v. Hellerstedt (2016), guaranteeing the constitutional right for legal pre-viability abortion in the U.S.; whereas the Supreme Court decided on the 24th of June 2022 to overturn by 5 votes for and 4 against, the Roe v. Wade, putting an end to a federal constitutional right to abortion, allowing States to ban abortion at any point during pregnancy and opening the possibility of complete bans on abortion;
- B. whereas following the adoption of the Court, eight states have already banned abortion; whereas it is expected that 26 states may end up passing laws that almost completely outlaw abortions; whereas 13 states have what are known as "trigger" laws, laws that immediately came into effect after the overturn ; whereas since then demonstrations are growing within the US and worldwide to defend the right of abortion; whereas in the meantime the resistance against the Court decision is growing notably with the publication on the 24th of June of a "Multi-State Commitment" from the governors of California, Oregon and Washington *"to defend access to reproductive health care, including abortion and contraceptives, and*

*committed to protecting patients and doctors against efforts by other states to export their abortion bans to our states”<sup>1</sup>;*

- C. whereas the lives of women and girls across the United States will be impacted by the Supreme Court decision, and the harmful consequences will be experienced most acutely by individuals in vulnerable situations; whereas other Sexual and reproductive health and rights (SRHR) could also be negatively impacted; whereas restrictions or a ban on the right to abortion in the U.S, in the EU and worldwide will disproportionately impact women in poverty, notably racialised women, -including Black women, Hispanic women and Indigenous women-, women from rural areas, LGBTIQ people, women with disabilities, adolescents, migrant women including irregular migrants, and single-parent households headed by women; whereas public abortion services can provide universal access to safe and legal abortion for all women, including those in vulnerable socio-economic situations;
- D. whereas SRHR, including safe and legal abortion care constitute a fundamental right; whereas criminalising, delaying and denying its access constitutes a form of violence against women and girls; whereas these restrictions and bans do not reduce the number of abortions, but only forces people, to travel long distances or to resort to unsafe abortions, also making them vulnerable to criminal investigation and prosecution, affecting people lacking the resources and information the most; whereas almost all deaths stemming from unsafe abortions occur in countries where abortion is severely restricted; whereas it is estimated that the annual number of maternal deaths in the U.S. due to unsafe abortions would increase by 21%<sup>2</sup> by the second year after a ban take effect; whereas these deaths are entirely preventable; whereas abortion bans will also lead to an increase in deaths due to forced pregnancy-related mortality;
- E. whereas among adolescent girls aged 15-19 years, pregnancy and childbirth complications are the leading cause of death globally; whereas teenage mothers are significantly more likely to discontinue their studies and face unemployment, therefore exacerbating the cycle of poverty;
- F. whereas there is a growing concern about data protection in the context of Roe. v Wade overturn; whereas through menstrual tracking apps or geolocation tools and search engines, data can be collected on people having approached an abortion clinic, purchased an abortion pill or searched for information; whereas people can potentially be flagged for this or the information collected used against them; whereas in States that have banned abortion or are going to do so, seekers, providers or facilitators of abortion digital data can be used by judicial authorities;
- G. whereas despite general progress in sexual and reproductive health and rights (SRHR) protection around the world, including in Europe, backsliding on the right to access safe and legal abortion is a grave concern; whereas the overturn of Roe v. Wade could embolden the anti-abortion movement in the European Union; whereas Poland is the only EU Member State to have removed a ground for abortion from its laws, as the illegitimate Constitutional Tribunal ruled on 22 October 2020 to reverse long

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<sup>1</sup> <https://www.gov.ca.gov/2022/06/24/west-coast-states-launch-new-multi-state-commitment-to-reproductive-freedom-standing-united-on-protecting-abortion-access/>

<sup>2</sup> <https://ncpolicywatch.com/2022/05/05/study-shows-an-abortion-ban-may-lead-to-a-21-increase-in-pregnancy-related-deaths/>

established rights of Polish women entailing a de facto abortion ban; whereas abortion is banned in Malta; whereas medical abortion in early pregnancy is not legal in Slovakia and is not available in Hungary; whereas access to abortion is also being eroded in Italy<sup>3</sup>; whereas access to abortion care is being denied in other EU Member States, such as recently in Croatia<sup>4</sup>; whereas it is imperative for the EU and its Member States to defend SRHR and to stress that women's rights are inalienable, and that they cannot be removed nor watered down; whereas it is critical for the EU and its Member States to continue to make progress in guaranteeing access to safe, legal and timely abortion care in accordance with WHO recommendations and evidence;

- H. Whereas in Europe women are still facing obstacles preventing them from enjoying their rights and freedom due to legal restriction, which neglect women rights, risking their life needlessly. Whereas the recent case Andrea Prudente, an American tourist, who despite a danger to her life, was banned from having an abortion in Malta. Whereas the human rights defender of women, Justyna Wydrzyńska has been charged under Poland's draconian anti-abortion law for having provided medical abortion pills to another woman;
- I. Whereas the Charter of Fundamental Rights of the European Union enshrines main fundamental rights and liberties for people living in the EU; Whereas the protection of safe and legal abortion has a direct implication on the effective exercise of the rights recognised in the Charter of Fundamental Rights such as human dignity, personal autonomy, equality and physical integrity;
- J. Whereas on the 9 of June 2022, the European Parliament adopted a strong resolution *"on Global threats to abortion rights: the possible overturn of abortion rights in the US by the Supreme Court"*. Whereas the recommendations of this resolution remain relevant and should be applied<sup>5</sup>;
1. Strongly condemns once again the backsliding in women's rights and SRHR taking place globally, including in the U.S. and in some EU Member States; recalls that SRHR are fundamental human rights which should be protected and enhanced and cannot in any way be watered down or withdrawn; Calls on the Governments of those States that passed laws and other measures concerning bans and restrictions on abortion to repeal them and to ensure that their legislation is in line with internationally protected women's human rights and international human rights standards;
  2. Proposes to include the right to abortion in the Charter for Fundamental Rights of the European Union; Submits therefore to the Council the following proposal for the amendment of the Charter of Fundamental Rights;

— **Chapter II - Article 7a (new)**  
**Right to abortion**

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<sup>3</sup>[https://search.coe.int/cm/Pages/result\\_details.aspx?ObjectId=0900001680687bdc](https://search.coe.int/cm/Pages/result_details.aspx?ObjectId=0900001680687bdc);  
[http://www.refreg.ep.parl.union.eu/RegData/etudes/BRIE/2018/608853/IPOL\\_BRI\(2018\)608853\\_EN.pdf](http://www.refreg.ep.parl.union.eu/RegData/etudes/BRIE/2018/608853/IPOL_BRI(2018)608853_EN.pdf)

<sup>4</sup> <https://www.roda.hr/en/news/support-for-accessible-safe-and-legal-termination-of-pregnancy-in-croatia.html>

<sup>5</sup> [https://www.europarl.europa.eu/doceo/document/TA-9-2022-0243\\_EN.html](https://www.europarl.europa.eu/doceo/document/TA-9-2022-0243_EN.html)

**“Everyone has the right to safe and legal abortion.”**

3. Reiterates in this context its resolution of 9 June 2022 on the call for a Convention for the revision of the Treaties; expects the European Council to convene for it; Proposes that in this process the right to safe and legal abortion is included in the Charter; Calls for the European Parliament to be involved in every step of the process;
4. Expresses its firm solidarity with and support for the women and girls in the U.S., as well as for those involved in both provision of and advocacy for the right and access to legal and safe abortion care in such challenging circumstances; Supports in the same way the calls for US Congress to pass a bill that would protect abortions at federal level;
5. Is deeply concerned about the fact that bans and other restrictions on abortion disproportionately affect women in poverty, racialised women, -including Black women, Hispanic women and Indigenous women-, women from rural areas, LGBTIQ people, women with disabilities, adolescents, migrant women including irregular migrants, single-parent households headed by women; stresses that women who, due to financial or logistical barriers, cannot afford to travel to reproductive health clinics in neighbouring States or countries, are at greater risk of undergoing unsafe and life-threatening procedures, and of being forced to carry their pregnancy to term against their will, which is a violation of human rights and a form of gender-based violence<sup>6</sup>;
6. Calls on the US government to ensure data protection for everyone, and especially for abortion seekers, providers and facilitators by allowing private and secured access, stopping behavioural tracking, strengthening data deletion policies, encrypting data in transit, enabling end-to-end message encryption by default, preventing location tracking, and ensuring that users are notified when their data is being sought<sup>7</sup> ;
7. Stresses the lack of access to contraception and the existing unmet needs<sup>8</sup>; stresses that priority should be given to combating sexual violence and to comprehensive, age-appropriate and evidence-based sexuality and relationship education for all, a range of high-quality, accessible, safe, affordable and, where appropriate, free contraceptive methods and supplies, and family planning counselling, as well as health services; Acknowledges the role played by NGOs as service providers and as advocates for sexual and reproductive health and rights (SRHR) and encourages them to continue with their work;
8. Calls on the Commission and the Member States to step up their political support for human rights defenders, healthcare providers working to advance SRHR, women’s rights and SRHR civil society and grassroots organisations which are key actors for gender-equal societies and crucial providers of SRHR services and information, particularly those working in challenging contexts in Europe; Urges the Commission to protect and support these defenders against any persecution they might face;

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<sup>6</sup> [https://www.ohchr.org/Documents/Issues/Women/WRGS/SexualHealth/INFO\\_Abortion\\_WEB.pdf](https://www.ohchr.org/Documents/Issues/Women/WRGS/SexualHealth/INFO_Abortion_WEB.pdf)

<sup>7</sup> <https://www.eff.org/deeplinks/2022/06/effs-statement-dobbs-abortion-ruling>

<sup>8</sup> UNFPA state of world population report, Seeing the Unseen: The case for action in the neglected crisis of unintended pregnancy’, 30 March 2022.

9. Is concerned about a possible surge in the flow of money funding anti-gender and anti-choice groups in the world, including in Europe;
10. Calls on the EU and its MS to legally recognize abortion and to defend the respect of the right to safe and legal abortion and other SRHR; Calls also to advocate and make the recognition of this right a key priority in negotiations within International Institutions and in other multilateral forums such as the Council of Europe as well as advocate for its inclusion in the UN Charter for human rights;
11. Condemns the fact that still many women in the EU cannot access abortion services due to remaining legal, financial, social and practical restriction in some Members States;
12. Urges the EU Member States to decriminalise abortion, as well as to remove and combat obstacles to safe and legal abortion and access to SRHR; calls on the Member States to guarantee the access to safe, legal and free abortion services, to prenatal and maternal healthcare services and supplies, voluntary family planning, access to contraception, youth-friendly services, as well as HIV prevention, treatment, care and support, without discrimination;
13. Calls the European Parliament to organize a delegation as soon as possible to the US to evaluate the impact of the Supreme Court's decision and to support women's rights NGO's and pro-choice movements in the country; Requests that upcoming delegations of the European Parliament travelling to Washington consistently raise abortion rights and meet with women's rights organisations;
14. Calls on the European External Action Service (EEAS), the EU delegation to US, the Commission and all EU Member States to use all instruments at their disposal to strengthen their actions to counteract the backsliding in women's rights and SRHR, including by compensating any possible reduction of U.S. funding to SRHR globally, and by strongly advocating and prioritising universal access to safe and legal abortion and other SRHR in their external relations;
15. Instructs its President to forward this resolution to the Council, the Commission, the Vice-President of the Commission / High Representative of the Union for Foreign Affairs and Security Policy, the EU Special Representative for Human Rights, the President of the United States of America and his Administration, the U.S. Congress, and the U.S. Supreme Court.