



Plenary sitting

B9-0491/2021

5.10.2021

MOTION FOR A RESOLUTION

with request for inclusion in the agenda for a debate on cases of breaches of human rights, democracy and the rule of law

pursuant to Rule 144 of the Rules of Procedure

on The state law relating to abortion in Texas, USA

(2021/2910(RSP))

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on behalf of the Verts/ALE Group

**European Parliament resolution on The state law relating to abortion in Texas, USA
(2021/2910(RSP))**

The European Parliament,

- having regard to Articles 2 and 3 of the Treaty on European Union (TEU),
- having regard to the 1994 International Conference on Population and Development (ICPD) in Cairo, its Programme of Action, and the outcomes of its review conferences,
- having regard to the Nairobi Statement on ICPD25 of 1 November 2019 entitled ‘Accelerating the Promise’ and to the national and partner commitments and collaborative actions that were announced at the Nairobi Summit,
- having regard to the Beijing Platform for Action and the outcomes of its review conferences,
- having regard to the 2030 Agenda for Sustainable Development adopted in September 2015, which entered into force on 1 January 2016, and in particular to Sustainable Development Goals 3 and 5,
- having regard to the 1966 International Covenant on Civil and Political Rights and the 1966 International Covenant on Economic, Social and Cultural Rights;
- having regard to the 1979 UN Convention on the Elimination of All Forms of Discrimination against Women,
- having regard to Articles 6, 24 and 39 of the UN Convention on the Rights of the Child,
- having regard to the WHO’s guidance entitled ‘Safe abortion: technical and policy guidance for health systems’,
- having regard to the Council of Europe Convention on preventing and combating violence against women and domestic violence (Istanbul Convention),
- having regard to the Charter of Fundamental Rights of the European Union,
- having regard to the joint communication to the European Parliament and the Council on the EU Gender Action Plan (GAP) III – an ambitious agenda for gender equality and women’s empowerment in EU external action,
- having regard to the Constitution of the United States of America,
- having regard to *Wade vs Roe*, 410 U.S. 113 (1973), and affirmed in *Planned Parenthood v. Casey*, and *Whole Woman’s Health v. Hellerstedt*, which establishes the U.S. constitutional right for pregnant women to decide whether to continue a pregnancy pre-viability
- having regard to 2021 Texas Senate Bill 8 (SB 8) “Relating to abortion, including abortions

after detection of an unborn child's heartbeat; authorizing a private civil right of action”

- having regard to the US Supreme Court order of 1 September 2021 refusing to block Texas law S.B.8 from going into effect;

- having regard to the statement of 14 September 2021 by UN human rights experts,

- having regard to Rules 144 of its Rules of Procedure,

A. whereas both the USA and the EU consider human rights to be inalienable and fundamental rights inherent to all human beings;

B. Whereas gender equality, empowering all women and girls, ensuring healthy lives and promoting well-being for all at all ages are fundamental goals set out in SDGs 2, 3 and 5; whereas SRHR and the elimination of gender-based violence including all harmful practices against women are targets under SDG 3 and 5; whereas all UN member states have assumed duties and obligations to respect and promote all SDGs;

C. whereas sexual and reproductive health and rights are grounded in fundamental human rights protected in international and European human rights law such as in the International Covenant on Civil and Political Rights and the International Covenant on Economic, Social and Cultural Rights, CEDAW and the European Convention on Human Rights, and constitute an essential element of comprehensive healthcare provision;

D. whereas the realisation of SRHR is an essential element of human dignity and is intrinsically linked to the achievement of gender equality and combating gender-based violence;

E. Whereas in the landmark case *Roe v Wade*, the Supreme Court legalised abortion across the US, ruling that individuals have the constitutional right to abortion;

F. Whereas the Texas Senate Bill 8 (SB8) law entered into effect on the first of September 2021 banning abortion at approximately six weeks of pregnancy with no exception if the pregnancy results from for rape, incest or for a fetal health condition incompatible with sustained life after birth, amounting to a near-total abortion ban; whereas prior to SB8 around 85 to 90 percent of the people who obtain abortion care in Texas were at least six weeks into pregnancy;

G. whereas Texas is the first state to put into effect a ban abortion this early in pregnancy since *Roe v Wade* and have the law take effect; Whereas twelve other states have enacted bans on abortion early in pregnancy, but all have been blocked from entering into force by federal courts;

H. Whereas the US Supreme Court ruled 5-4 against blocking the Texas law stating the challengers did not carry their burden on the “complex and novel antecedent procedural questions” in the case;

I. Whereas President Biden stated in their statement of the 1st of September that the Biden-Harris Administration will always fight to protect access to healthcare and defend a woman’s right to make decisions about her body and determine her future;

J. Whereas the U.S. Department of Justice on 9 September 2021 filed a lawsuit against Texas, arguing that the ban violates an individual's constitutional right to an abortion before viability, and the federal district court has set a preliminary injunction hearing for 1 October 2021;

K. whereas SB8 absolves government officials from enforcing the law but instead it incentivizes any private citizen to sue anyone who provides an abortion or helps someone get an abortion after approximately six weeks— including doctors, partners, friends, family members, or abortion fund volunteers —opening up the floodgates to harassing and frivolous civil lawsuits that could shut down clinics statewide; whereas the SB8 offers rewards for every successful lawsuit;

L. Whereas more than 200 physicians across Texas expressed deep concerns over their ability to administer healthcare, cautioning the bill would create a “chilling effect” that would prevent physicians in over 30 specialties, including primary care, emergency medicine, obstetricians-gynecologist and internal medicine, from providing information on all pregnancy options to patients due to frivolous lawsuits;

M. Whereas with abortion effectively being banned in Texas, patients are heading to reproductive health clinics in neighboring states and overwhelming the region's fragile abortion infrastructure; whereas more than 55,000 abortions take place in the state of Texas each year and close to 4,000 of those usually take place in September according to state health department data; whereas it seems unlikely that neighboring states would be able to accommodate for all the patients who would typically be getting abortions these months;

N. Whereas abortion was already difficult to access in Texas and in other regions across the United States, and those who face barriers to obtaining health care, including racialised people and those with lower incomes, are those most impacted by a ban like SB8;

O. whereas the Committee on the Elimination of All Forms of Discrimination against Women, the Committee on the Rights of the Child (CRC), the Human Rights Committee and the Committee on Economic, Social and Cultural Rights (CESCR) have repeatedly and explicitly recognized the connection between unsafe illegal abortion and high maternal mortality rates; whereas the Committee on the Convention against Torture stipulates that states that have an absolute prohibition on abortion under any circumstances expose women and girls to circumstances in which they are being humiliated and treated with cruelty;

P. Whereas UN human rights experts have denounced as alarming the adoption of the SB8 and the harm the ban will cause to pregnant women in Texas and in particular women from marginalized communities, women with low incomes, women living in rural areas, and women from racial and ethnic minorities as well as migrant women who will be disproportionately affected by this ban, and have called on the U.S. Government to prevent retrogression in access to abortion and instead enact positive measures to ensure access to safe and legal abortion;

1. Joins the vocal condemnations across the USA on the adoption of Senate Bill 8 that bans abortion at approximately six weeks with no exception for rape, incest or fetal health condition incompatible with sustained life after birth;

2. Calls on Texas authorities to repeal the bill and to safeguard the right of all persons to make their own informed choices with regard to SRHR, to ensure the right to bodily integrity and

personal autonomy, equality and non-discrimination, and to provide the necessary means to allow everyone to enjoy SRHR;

3. Is deeply concerned with the fact that most people in Texas will not be able to get a safe abortion as the ban to abortion around 6 weeks of pregnancy amount to a nearly total prohibition as many people are not even aware they are pregnant by that time;

4. Stresses that highly restrictive laws prohibiting abortion do not reduce the need of abortions but results in women having to seek clandestine abortions, to travel or to carry their pregnancy to term against their will, which is a violation of human rights and a form of gender-based violence affecting women's and girls' rights to life, physical and mental integrity, equality, non-discrimination and health;

5. Is concerned on the disproportionate discriminatory impact of SB8 on people experiencing socio-economic hardship, people living in rural areas, racialised people and those experiencing multiple and intersecting discrimination, who, due to financial, practical or other barriers, cannot afford to travel to reproductive health clinics in neighboring states leaving them at greater risk to unsafe and life-threatening procedures or forced pregnancy and other rights violations;

6. Deeply regrets that this abortion ban will block most safe abortion services in Texas and that it allows private citizens to sue abortion providers which could also lead to the harassment of health center staff, patients, and anyone who helps a person get an abortion in Texas after six weeks; Expresses its full solidarity with all the medical professionals and care workers who are at risk simply for carrying out their legitimate professional activities;

7. Is deeply concerned about the effect of Texas law on other US states, which will be encouraged by the inaction of the US Supreme Court, and will attempt to pass abortion bans across the country, as it has been proposed already in Florida;

8. Strongly condemns the backsliding in women's rights and SRHR taking place in the US and world and calls on the European External Action Service, the European Commission and all EU member states to use their full capacities to strengthen their actions to counter it; Reminds that SRHR, are fundamental human's rights which should be enhanced and cannot in any way be watered down or withdrawn;

9. Calls on High Representative of the Union for Foreign Affairs and Security Policy to seize all opportunities to express the EU's unflinching commitment to sexual and reproductive health and rights and gender equality, and to take a leadership role in countering the global regressive trend against rights of women and girls, including in the USA;

10. Calls on the EU Special Representative for Human Rights to denounce this violation of SRHR in his exchanges with US officials;

11. Call on the EU delegation in the US to monitor the situation on SRHR in Texas and other states and to prioritise SRHR in their engagement with the relevant US authorities and in their local implementation of GAP III;

12. Calls on the United States' authorities to prevent against retrogression in access to abortion in the United States and enact positive measures to ensure access to safe and legal abortion in

order to respect, protect and fulfill the rights to life, health, sexual and reproductive health, privacy, bodily integrity, equality and non-discrimination;

13. Recognizes the role played by NGOs as service providers and also as advocates for SRHR in the US and encourages them to continue with their work advocating for these fundamental rights; Affirms that these NGOs need a proper level of funding to operate;

14. Takes note of the fact that individual abortion providers have expressed will to provide abortions beyond the new legal limit and stresses the importance of sexual and reproductive health providers in the provision of a comprehensive range of sexual and reproductive health services, including both physical and mental health;

15. Calls on the EU and Member States to offer all possible support, including financial, to US-based civil society organizations protecting and promoting sexual and reproductive health and rights in the country, as an expression of its universal commitment to these rights; calls also on the EU Member States to offer a safe-haven for all medical professionals who might be at risk of legal or other form of harassment as a result of their legitimate work;

16. Underlines that in line with the Beijing Platform for Action and the ICPD Programme of Action, the right of all individuals to bodily integrity and autonomy needs to be protected, and access to essential services giving effect to this right need to be ensured;

17. 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, President and government of the US, US Congress, as well as governor, government, Senate and House of Representatives of Texas.