



Plenary sitting

B9-0498/2021

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 S&D 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 UN Sustainable Development Goals (SDGs) agreed in 2015 and in particular goals 3 and 5, respectively on promoting health and Gender Equality,
 - having regard to the Charter of Fundamental Rights of the European Union,
 - 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 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 Beijing Platform for Action and the outcomes of its review conferences,
 - having regard to the Constitution of the United States of America,
 - having regard to Roe v Wade, 410 U.S. 113 (1973) which established the constitutional right of pregnant women’s liberty to choose abortion without excessive government restriction,
 - 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 U.S. Supreme Court order of 1 September 2021 refusing to block Texas law S.B.8.,
 - having regard to Rule 144 of its Rules of Procedure,
- A. whereas both the USA and the EU recognise human rights to be inalienable and 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 3 and 5; whereas all UN member states have assumed duties and obligations to respect and promote these goals which are set out in SDGs, including targets 3.7 and 5.6 on SRHR

- C. whereas the Committee on the Elimination of all Forms of Discrimination against Women and the UN Committee on the Rights of Persons with Disabilities issued a joint statement in August 2018 emphasising that access to safe and legal abortion, as well as to related services and information, is an essential aspect of women's reproductive health, and urging countries to put an end to restrictions on the SRHR of women and girls, as this threatens their health and lives; whereas access to abortion is a human right, while the delaying and denying thereof constitutes a form of gender-based violence and may amount to torture and/or cruel, inhuman and degrading treatment; whereas SRHR are targets under UN SDG 3 and 5, and whereas gender-based violence and to eliminate all harmful practices against women is a target under SDG 5;
- D. whereas access to comprehensive and sexuality and relationship education, and SRHR, including family planning, contraceptive methods and safe and legal abortion, as well as every person's autonomy and ability to make free and independent decisions about their bodies and lives, is a precondition for their independence and is thus essential for achieving gender equality in all areas of private and public life, including participation in the labour market and in politics, and eliminating gender-based violence; whereas it is their body, their choice;
- E. whereas engaging men and boys for and in sexual and reproductive health and rights is both a goal and a prerequisite to achieve sustainable equality;
- F. whereas the right to respect for a person's physical and mental integrity is central to the European Charter of Fundamental Rights;
- G. Whereas in the landmark case *Roe v Wade*, the Supreme Court legalised abortion across the US, ruling that women have an unfettered constitutional right to the procedure during their first trimester (12 weeks) of pregnancy.
- H. whereas twelve other US states have enacted bans on abortion early in pregnancy, but all have been blocked from entering into force by being declared unconstitutional by the Supreme Court;
- I. whereas the S.B. 8 law, the so-called heart beat bill, bans abortion after approximately six weeks of pregnancy and whereas prior to SB8 around 85 to 90 percent of the people who obtain abortion care in Texas are at least six weeks into pregnancy, the law will lead to a de facto end of abortion care in the state;
- J. whereas the S.B. 8 law is designed to shift signalling from state officials to only private individuals, incentivizing individuals—including anti-abortion activists) to seek monetary penalties by suing anyone who provides abortion care or assists someone in obtaining care in the state; which will most likely lead to legal harassment of healthcare providers, women in need of abortion care, and anyone who helps them including their loved ones; and will in any case lead to a chilling effect on healthcare providers;
- K. whereas as seen already in other cases of abortion restrictions, S.B. 8 will disproportionately affect people already facing discrimination or obstacles in accessing health care including ethnic minorities and those living on low income or rural areas not having the means to travel in order to access these services;

- L. whereas Texas has already enacted 26 abortion restrictions in the past decade, including this year's six-week abortion ban and a ban on abortion that would go into effect if *Roe v. Wade* were overturned; whereas during this time, the number of abortion clinics in the state has been reduced from 46 in 2011 to only 21 clinics in 2017; whereas this means that women cannot access the care they need;
- M. 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 marginalised and vulnerable groups, primarily those with lower income , are those most impacted by a ban like SB8;
- N. whereas among adolescent girls aged 15-19 years, pregnancy and childbirth complications are the leading cause of death globally; whereas the Committee on the Rights of the Child urges States to decriminalise abortion and ensure that girls have access to safe abortion services;
- O. whereas the S.B. 8 law is one of the strictest abortion measures in the US, banning abortions in the state after a fetal cardiac activity is detectable with an exception only for medical emergencies but not for rape or incest; whereas this constitutes a form of gender-based violence, that may amount to torture or cruel, inhumane or degrading treatment;
- P. whereas The Center for Reproductive Rights and its partners filed an emergency request with the U.S. Supreme Court on August 30 to block the law in Texas from entering into force;
- Q. whereas this law does not represent the values of the majority of US citizens, 59% of whom support safe and legal abortion;
- R. 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.;
- S. whereas Florida has already duplicated the controversial law; whereas Republican leaders and anti-choice movements in as many as five other US states, namely North Dakota, Mississippi, Indiana, South Dakota, Arkansas , plan to introduce bills using as well the Texas law as a model since the US supreme Court let it stand;
- 1. Strongly condemns the adoption by Texas Legislature of the Texas Heartbeat Act, *de-facto* totally banning abortion with no exception for rape or incest, as a strong attack on women's freedom and sexual and reproductive health and rights which are fundamental human right, and violating US women's Constitutional rights; is deeply concerned about the extent to which this prohibition will contribute to the trauma of rape and incest victims;
- 2. Welcomes President Joe Biden's efforts in directing that Council and the Office of the White House Counsel to launch a whole-of-government effort to respond to the

decision, to ensure that women in Texas have access to safe and legal abortions as protected by Roe ; welcomes that President Joe Biden's administration on Friday October 1 2021 urged a judge to block the ban on abortion imposed by Texas;

3. Deeply regrets that the US Supreme Court, by a sharply divided split decision (4-5), declined to rule on blocking the introduction of that unprecedented law;
4. Calls on President Joe Biden to continue the efforts to ensuring access to safe and legal abortions; encourages further efforts to ensure that abortion and contraception are integrated within the provision of comprehensive SRHR information and services, that they are universally accessible, and to secure continued access during emergency situations, such as the COVID-19 pandemic;
5. Calls on the US Government to ensure that girls and adolescents are able to make decisions about their pregnancies; reiterates in this regard that the Committee on the Rights of the Child urges States to decriminalise abortion and ensure that girls have access to safe abortion services;
6. Calls on the Government of the State of Texas to swiftly repeal S. B. 8 and ensure safe, legal, free and good quality abortion services in the State, and to make these services easily accessible to all women and girls;
7. Stresses the fact that criminalising abortion does by no way reduces the number of abortions but rather endangers the lives and health of women by forcing them to have clandestine abortions or travel to neighbouring states or countries;
8. Highlights that only education, information and universal access to contraception can reduce the number of unintended pregnancies; Stresses that universal access to age-appropriate and evidence-based sexuality and relationship education, to a range of high-quality and accessible, affordable modern contraceptive methods and supplies, family planning counselling and information on contraception and guaranteeing of safe and legal abortion care should be prioritised;
9. Is deeply concerned about the fact that this law affects mostly vulnerable groups of women who, due to financial or logistical barriers, cannot afford to travel to reproductive health clinics in neighbouring states leaving them at greater risk to unsafe and life threatening procedures, and to being forced to carry their pregnancy to term against their will;
10. Deeply questions the moral context and is furthermore concerned about the design of this law which empowers any private citizen to sue anyone who may have helped people obtain an abortion, such as abortion providers or abortion care advocates, thus opening the floodgates to harassing and frivolous lawsuits from anti-abortion vigilantes and laying ground for a witch-hunt in the 21 century;
11. Is deeply concerned about the effect of Texas law on other U.S. states, which will be encouraged by the inaction of the US Supreme Court, and will attempt to pass abortion bans across the country, as we have already seen introduced in Florida;

12. States that this law, one of already 26 abortion restrictions in Texas in the last decade; constitutes a further attempt to undermine women's rights and their reproductive freedom as well as their right to health care, not taking into account women's constitutional rights nor the will of the people;
13. Is concerned that this law not only leads to a de facto ban of abortion, but also blatantly violates women's human rights, in complete disregard of international human rights standards, including of the principle of non-retrogression, and limits access to healthcare by reducing the number of care facilities treating women, leading to a consequential care gap for women and further endangers women's lives;
14. 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; calls for a comprehensive approach in the essential sexual and reproductive health package, including measures for preventing and avoiding unsafe abortions, as well as the provision of post-abortion care, to be integrated into the national UHC strategies, policies and programmes;
15. Is concerned by the upcoming consideration of the Supreme Court with Roe vs Wade and that this ground-breaking, women right's guaranteeing ruling could be overruled in the near future; fears that this would have a severe and broad impact on the access to healthcare and free choice of women in other states given the fact that further 11 states have so-called "trigger laws" banning the right to abortion in place, automatically entering into force as soon as Roe vs Wade would be overruled;
16. Welcomes the Biden administration's lifting of the global-anti abortion gag rule and intention to restore the US funding to United Nations Populations Fund (UNFPA), the UN sexual and reproductive health agency; urges for this restoration to become effective without delay;
17. Recalls that one of the five pillars of the EU Gender Action Plan (GAP) 2021–2025 of the EEAS is promoting SRHR; calls on the EU and its Member States to ensure human rights clauses, including the right to free and safe abortions, are respected and promoted in all international relations with the US;
18. Calls to the EU delegation in the US to monitor the situation on sexual and reproductive health and rights in Texas and other states and to prioritise SRHR in their implementation of GAP III;
19. Calls on the EU Special Representative for Human Rights to denounce this violation of women's sexual and reproductive rights in his exchanges with US officials;
20. Calls on High Representative of the Union for Foreign Affairs and Security Policy to condemn and denounce this violation of women's sexual and reproductive rights and their right to healthcare in his exchanges with US officials;
21. 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, US President Joe Biden and his administration, the US Congress and to the State of Texas.