



Plenary sitting

B9-0544/2021

3.11.2021

MOTION FOR A RESOLUTION

to wind up the debate on the statements by the Council and the Commission

pursuant to Rule 132(2) of the Rules of Procedure

on the first anniversary of the de facto abortion ban in Poland
(2021/2925(RSP))

Jadwiga Wiśniewska, Mazaly Aguilar, Sergio Berlato, Joachim Stanisław Brudziński, Jorge Buxadé Villalba, Ryszard Czarnecki, Margarita de la Pisa Carrión, Carlo Fidanza, Raffaele Fitto, Anna Fotyga, Emmanouil Frangos, Ladislav Ilčić, Patryk Jaki, Beata Kempa, Izabela-Helena Kloc, Elżbieta Kruk, Zbigniew Kuźmiuk, Ryszard Antoni Legutko, Beata Mazurek, Tomasz Piotr Poręba, Elżbieta Rafalska, Vincenzo Sofo, Raffaele Stancanelli, Dominik Tarczyński, Cristian Terheş, Hermann Tertsch, Valdemar Tomaševski, Witold Jan Waszczykowski, Anna Zalewska, Kosma Złotowski
on behalf of the ECR Group

**European Parliament resolution on the first anniversary of the de facto abortion ban in Poland
(2021/2925(RSP))**

The European Parliament,

- having regard to the Constitution of the Republic of Poland,
 - having regard to the Universal Declaration of Human Rights of 10 December 1948,
 - having regard to the UN Declaration on the Rights of the Child of 1959,
 - having regard to the UN Convention on the Rights of the Child of 1989,
 - having regard to the UN Convention on the Rights of Persons with Disabilities of 2006,
 - having regard to the Treaty on the Functioning of the European Union (TFEU), in particular Article 168(7) thereof,
 - having regard to its resolution of 10 December 2013 on sexual and reproductive health and rights (SRHR)¹,
 - having regard to Rule 132(2) of its Rules of Procedure,
- A. whereas the preamble to the UN Convention on the Rights of the Child, following the UN Declaration on the Rights of the Child, affirms that ‘the child, by reason of his physical and mental immaturity, needs special safeguards and care, including appropriate legal protection, before as well as after birth’;
- B. whereas Article 10 of the UN Convention on the Rights of Persons with Disabilities states: ‘States Parties reaffirm that every human being has the inherent right to life and shall take all necessary measures to ensure its effective enjoyment by persons with disabilities on an equal basis with others’;
- C. whereas in its comments on draft General Comment No. 36 of the Human Rights Committee on Article 6 of the International Covenant on Civil and Political Rights, the UN Committee on the Rights of Persons with Disabilities stated that ‘laws which explicitly allow for abortion on grounds of impairment violate the Convention on the Rights of Persons with Disabilities. Even if the condition is considered fatal, there is still a decision made on the basis of impairment. Often it cannot be said if an impairment is fatal. Experience shows that assessments on impairment conditions are often false. Even if it is not false, the assessment perpetuates notions of stereotyping disability as incompatible with a good life’;
- D. whereas Article 38 of the Polish Constitution states that ‘the Republic of Poland shall

¹ OJ C 468, 15.12.2016, p. 66.

ensure the legal protection of the life of every human being’;

- E. whereas the Polish Constitutional Tribunal issued a judgment on 28 May 1997 (K 26/96) in which it stated that ‘a democratic state is obliged to protect human life in its all stages’;
 - F. whereas on 22 October 2020, upon the motion of 119 Members of the Polish Parliament from different political parties, the Polish Constitutional Tribunal ruled unconstitutional the provision of the 1993 Act on Family Planning, Protection of the Human Foetus and Conditions for the Termination of Pregnancy that allows for abortion in cases where prenatal tests or other medical considerations have indicated a high probability of a severe and irreversible abnormality or an incurable disease of the foetus;
 - G. whereas the judgment of the Polish Constitutional Tribunal in this case was published and entered into force on 27 January 2021;
 - H. whereas Article 168(7) TFEU states that ‘Union action shall respect the responsibilities of the Member States for the definition of their health policy and for the organisation and delivery of health services and medical care. The responsibilities of the Member States shall include the management of health services and medical care and the allocation of the resources assigned to them’;
 - I. whereas Parliament affirmed on 10 December 2013 that ‘the formulation and implementation of policies on SRHR and on sexual education in schools is a competence of the Member States’;
 - J. whereas abortion is not a universal human right and is not included in any legally binding treaty of international law;
- 1. Reiterates that the formulation and implementation of policies on SRHR and on sexual education in schools is a competence of the Member States;
 - 2. Supports the legitimate Polish authorities in finding a solution which respects everyone’s life and also supports mothers and their families through medical and other assistance necessary for children with disabilities;
 - 3. Instructs its President to forward this resolution to the Commission and the Council, the President, Government and Parliament of Poland and the governments and parliaments of the Member States.