MOTION FOR A RESOLUTION

to wind up the debate on the statement by the Commission

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

on the US 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 (2022/2742(RSP))

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on behalf of the ECR Group
European Parliament resolution on the US 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 (2022/2742(RSP))

The European Parliament,

– having regard to the US Supreme Court’s ruling of 24 June 2022 in the case of Dobbs v. Jackson Women’s Health Organization that the US Constitution does not confer a right to abortion, with Roe v. Wade of 1973 and Planned Parenthood v. Casey of 1992 being overturned,

– having regard to Article 168(7) of the Treaty on the Functioning of the European Union, which 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’,

– having regard to the Universal Declaration of Human Rights (UDHR), proclaimed by the United Nations General Assembly on 10 December 1948, which states in Article 3 that ‘everyone has the right to life, liberty and security of person’, and in Article 18 that ‘everyone has the right to freedom of thought, conscience and religion’,

– having regard to Article 2 of the European Convention on Human Rights on the right to life, and to Article 8 of the same legal text on the right to respect for private and family life and to non-interference by public authority in the exercise of this right,

– having regard to the Declaration of the UN Convention on the Rights of the Child of 20 November 1989, which states in its preamble that ‘the child [...] needs special safeguards and care, including appropriate legal protection, before as well as after birth’,

– having regard to Article 10 of the Charter of Fundamental Rights of the European Union, which states that ‘everyone has the right to freedom of thought, conscience and religion’, and that ‘the right to conscientious objection is recognised, in accordance with the national laws governing the exercise of this right’,

– having regard to the Charter of Fundamental Rights of the European Union of 2007, which affirms in Article 2 the right of everyone to life,

– having regard to Article 6 of the International Covenant on Civil and Political Rights of 1966, whereby the right to life is considered inherent to the human person and its protection before the law and its guarantee that no one may be arbitrarily deprived of this right are affirmed,

– having regard to Article 3 of the Charter of Fundamental Rights of the European Union of 2007, which affirms the right to the physical integrity of the person, the protection of situations relating to human life at all stages, the prohibition of eugenic practices related
to the selection of persons, and the prohibition of the human body or parts thereof being turned into objects of profit,

– having regard to the Council of Europe Convention for the protection of Human Rights and Dignity of the Human Being with regard to the Application of Biology and Medicine, which provides in Article 4 on professional obligations and standards of conduct that ‘any intervention in the health field, including research, must be carried out in accordance with relevant professional obligations and standards’,

– having regard to the European Convention on Human Rights and Biomedicine of 4 April 1997,

– having regard to its resolution of 10 December 2013 on Sexual and Reproductive Health and Rights¹,

– having regard to Rule 132(2) of its Rules of Procedure,

A. whereas the EU exceeds its powers when it interferes in the decisions of judicial bodies, whether they are, as in the present case, the Supreme Court of the United States or those countries of the Union, as this constitutes a serious and unjustifiable interference in their sovereignty;

B. whereas the alleged right to abortion in the United States has no constitutional protection, as evidenced by the recent ruling of the US Supreme Court of 24 June 2022 in the case *Dobbs v. Jackson Women’s Health Organization*, which has overturned the *Roe v. Wade* ruling of 1973 and the *Planned Parenthood v. Casey* ruling of 1992;

C. whereas the US Supreme Court’s judgment of 24 June 2022 in the case *Dobbs v. Jackson Women’s Health Organization* highlighted the misinterpretation of the First, Fourth, Fifth, Ninth and Fourteenth Amendment rights to privacy in *Roe v. Wade* and the improper interpretation of the freedoms guaranteed by the Fourteenth Amendment in *Planned Parenthood v. Casey*;

D. whereas the Fourteenth Amendment provides that ‘no State may deprive any person of life, liberty, or property, without due process of law’;

E. whereas the Fourteenth Amendment as ratified by state legislatures understood and intended the word ‘person’ to include all unborn human beings; whereas the Supreme Court furthermore recognised in the 1818 *US v. Palmer* case that the word person included all of humanity and that *Levy v. Louisiana* defined ‘person’ to include all who are ‘human, living and having their being’;

F. whereas the recent US Supreme Court ruling of 24 June makes it clear that the alleged right to abortion cannot be included as part of a broader right to privacy or be confined to an ‘intimate and personal decision’, i.e. to the strictly subjective sphere of the individual;

G. whereas the US Supreme Court’s ruling of 24 June 2022 in the case of Dobbs v. Jackson Women’s Health Organization refuses to recognise abortion as a constitutional right because it does not respond to a reality ‘deeply rooted in the Nation’s history and tradition’ and is not an essential component of the scheme of ‘ordered liberty’ protected by the due process clause;

H. whereas the US Supreme Court’s ruling of 24 June 2022, states that ‘the Court must guard against the natural human tendency to confuse what the Fourteenth Amendment protects with the ardent opinions’ that the Court itself may have;

I. whereas the recent US Supreme Court ruling of 24 June provides grounds for review to overrule the precedent of Roe v. Wade and Planned Parenthood v. Casey by meeting the required tests of the nature and error of the Court’s interpretation, the quality of the reasoning, the existence of feasibility and due burden, the effect on other areas of law, and the reliance interests;

J. whereas the recent US Supreme Court ruling of 24 June highlights, in its historical analysis of US abortion laws prior to Roe, the different sensibilities showcasing a great plurality of often conflicting views, which have not been and cannot be influenced by a single ideological weighting;

K. whereas the EU is exceeding its powers when it interferes in the decisions of judicial bodies, whether, as in the present case, it is the US Supreme Court or EU countries, as it constitutes a serious and unjustifiable interference in their sovereignty;

L. whereas the ruling of the US Supreme Court of 24 June highlights the fact that abortion cannot be treated as a constitutional right, which should be understood as diluting its alleged status as a fundamental right, as it loses its universal, inviolable and immutable nature, which is inherent to its connection with human rights;

M. whereas that following the natural order in the human being means responding to the rational order that attends to universal and immutable truths, such as doing good and avoiding evil, that have guided all peoples at any stage of history;

N. whereas in the EU, the formulation and implementation of policies relating to sexual health and education, reproduction and abortion fall exclusively within the legislative competence of the Member States;

O. whereas life has an absolute value and a healthy society will recognise this value;

P. whereas human beings have a self-awareness that makes them transcendent and enables them to search for the meaning of life;

Q. whereas dignity is inherent to the human condition and can never be questioned;

R. whereas a person and his or her life are an end in of themselves, and this cannot be subject to any condition;

S. whereas for there to be freedom in decision-making, truth and reality must be recognised, so that there can be no deception;
T. whereas human beings must make good use of their freedom and exercise it for the
  good of themselves and others;

U. whereas Article 35 of the Fundamental Charter of Human Rights guarantees the right of
every person to preventive healthcare and the right to benefit from healthcare under the
conditions established by national laws guaranteeing a high level of human health
protection;

V. whereas abortion is the termination of life in progress in the womb;

W. whereas there is a clear profit motive behind the practice of abortion, which is used by
institutions and organisations in the pursuit of materialistic and utilitarian interests that
run counter to the defence of human life and dignity;

X. whereas the concept of sexual and reproductive health and rights is a euphemism that
has developed contrary to the defence of life and undermines the dignity of women;

1. Notes that the EU has no competence for the development and implementation of
policies related to sexual health and education, reproduction and abortion at national or
international level;

2. Notes that the US Supreme Court ruling of 24 June 2022 in the case of Dobbs v.
Jackson Women’s Health Organization is the most recent precedent to conclude that
there is no right to abortion based on the US Constitution;

3. Stresses that history and traditions must be taken into account when legislating on the
rights and freedoms of citizens and that this was not done at the time Roe v Wade was
enacted;

4. Notes that freedom is not absolute, but ordered in law and due process, and that this
protects against the reduction of freedom as a result of mere opinion or the changing
desires of individuals; underlines, furthermore, that the proper exercise of freedom
implies the defence of the most vulnerable and fragile and that this must be consistent
with good and truth;

5. Highlights that, analogous to what the US Supreme Court has pointed out, in Europe
there is a plurality of sensitivities as regards the right to abortion; believes that,
consequently, the EU must respect the Member States in addressing the issue without
trying to influence them by imposing a single vision, thereby curtailing the freedom of
thought and conscience enshrined in the UDHR and contravening the very definition of
the rule of law;

6. Affirms that the natural order is inscribed in the heart of people;

7. Notes that access to abortion is not recognised as a human right under international law,
the UDHR, relevant treaties or the case-law of the European Court of Human Rights
and the Court of Justice of the EU;

8. Stresses that abortion can never be considered a human right because it violates the very
basis of human rights and contravenes human nature itself; stresses, furthermore, that
declaring abortion a human right would deny sovereign democracies the ability to rule on the matter themselves;

9. Considers that both life and health are inviolable and inalienable goods that are the basis and the guarantee of the fulfilment of human rights;

10. Points out that human life has infinite value and must be cherished; points out that it is our natural responsibility to care for life and to protect it from any form of aggression or violation of its dignity; notes that every pregnancy carries the possibility that a unique person will be born;

11. Affirms that any form of violence or deprivation of liberty constitutes an attack on human freedom and dignity;

12. Recalls that the ‘nasciturus’ (unborn child) acquires specific legal protection in all situations that are favourable to it by assimilating its status to that of a newborn child;

13. Recalls the right of pregnant women to receive due consideration and treatment in support of the fragile situation they are in;

14. Points out that life in the womb is delicate and may require special care from the mother;

15. Points out that freedom of decision requires that pregnant women receive objective, truthful and complete information about their pregnancies; points out that proposing abortion repeatedly or forcefully violates this freedom of decision;

16. Points out that a patient’s autonomy must be consistent with the protection of the physical safety of both mother and child;

17. Recalls the right of every pregnant woman to receive timely medical care in order to ensure a high level of protection for her own health and that of her child;

18. Recalls that some pregnant women may be in a situation of helplessness, which implies that Member States are obligated to provide economic, social and psychological support and assistance measures;

19. Calls for the recognition of the assistance provided by institutions that offer support to pregnant women;

20. Recalls that there are rights and duties incumbent on both the father and the mother, as they have an inescapable responsibility towards pregnancy, infancy and the child’s growth and maturity;

21. Points out that any legal or forced limitation on the number of children is contrary to the right to life enshrined in human rights law;

22. Recalls that forced sterilisation violates the dignity of women and constitutes an act of aggression under Article 7 of the Rome Statute of the International Criminal Court;

23. Recalls that forced abortion is a violation of fundamental rights that must be publicly
condemned and prosecuted;

24. Calls for a declaration that the selective abortion of girls is unacceptable, constitutes discrimination on grounds of sex and must be rejected in its entirety;

25. Notes that mothers whose children may have some kind of physical or biological malformation or limitation are often encouraged to have abortions, which may lead to their rejection by society;

26. Calls for recognition of the fact that, after undergoing an abortion, there are women who suffer psychological damage and regrets, in particular in instances in which they have not been able to freely, consciously and responsibly consider their options due to a lack of education and information;

27. Urges the Member States to require formal parental consent when a minor is considering abortion, as they are responsible for her care and upbringing;

28. Points out that there are anti-pregnancy campaigns that discredit aspects of motherhood and may negatively influence people’s life choices;

29. Calls for awareness of the pressure that may be exerted by the emotional, family and social environment of the pregnant woman such that she may be forced to have an abortion, which inhibits her freedom of choice;

30. Points out that there is a conflict of interest where for profit clinics offering abortions services take advantage of human fragility and vulnerability as a business opportunity;

31. Points out that the right of health professionals to conscientious objection is a fundamental and essential right in medical care and that these professionals should never be forced or pressured to act contrary to professional medical ethics;

32. Points out that freedom of conscience must be respected and that people must be free to express different ideas, opinions and beliefs;

33. Condemns any censorship of certain opinions in defence of life in political and social discourse;

34. Stresses that the formulation and implementation of policies on sex education in schools lies within the exclusive competence of the Member States, and these policies must always respect the responsibility of parents;

35. Recalls that from its earliest embryonic stage, a baby can be subjected to any kind of interference or aggression during its natural gestational development;

36. Points out the need to analyse the effects on our society of the legalisation of practices contrary to the defence of life;

37. Instructs its President to forward this resolution to the Council, the Commission, the governments and parliaments of the Member States, the European Union Agency for Fundamental Rights and the Secretary-General of the United Nations.