



TEXTS ADOPTED

P9_TA(2022)0302

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

European Parliament resolution of 7 July 2022 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 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 (the 'Charter') 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 health¹,
 - having regard to its resolution of 9 June 2022 entitled 'Global threats to abortion rights: the possible overturning of abortion rights in the US by the Supreme Court'²,
 - having regard to the decision of 24 June 2022 of the US Supreme Court, overturning, by five votes in favour and four against, the *Roe v Wade* ruling, thereby putting an end to the federal constitutional right to abortion,
 - having regard to Rule 132(2) 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 to legal pre-viability abortion in the US; whereas the Supreme Court decided on 24 June 2022 to overturn, by five votes in favour and four against, the *Roe v Wade* ruling, putting an end to the federal constitutional right to abortion, allowing states to ban abortion at any point during pregnancy and opening up the possibility of complete bans on abortion;

¹ OJ C 81, 18.2.2022, p. 43.

² Texts adopted, P9_TA(2022)0243.

- B. whereas, following the adoption of this decision by the Court, eight states have already banned abortion; whereas it is expected that 26 states may end up passing laws that almost completely outlaw abortion; whereas 13 states have what are known as ‘trigger’ laws, which immediately came into effect after *Roe v Wade* was overturned; whereas since then, there has been a growing number of demonstrations both within the US and worldwide to defend the right to abortion; whereas, in the meantime, resistance against the Court’s decision has been growing, notably with the publication on 24 June 2022 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’¹;
- C. whereas the lives of women and girls across the United States will be impacted by the Supreme Court’s decision, and its 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 US, the EU and worldwide will have a disproportionate impact on women in poverty, in particular racialised women, including Black women, Hispanic women and Indigenous women, as well as 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 access to SRHR constitutes a form of violence against women and girls; whereas these restrictions and bans do not reduce the number of abortions, but only force people to travel long distances or to resort to unsafe abortions, also making them vulnerable to criminal investigation and prosecution, and affect the people who are most lacking in resources and information; 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 US due to unsafe abortions would increase by 21 %² by the second year after a ban takes effect; whereas such deaths are entirely preventable; whereas abortion bans will also lead to an increase in deaths related to forced pregnancy;
- E. whereas among adolescent girls aged 15-19, 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, thereby exacerbating the cycle of poverty;
- F. whereas there is a growing concern about data protection in the context of *Roe v Wade* having been overturned; 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

¹ <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/>

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

in states that have banned abortion or are going to do so, digital data on those seeking, providing or facilitating abortion can be used by the judicial authorities;

- G. whereas despite general progress in SRHR protection around the world, including in Europe, backsliding on the right to access safe and legal abortion is a grave concern; whereas the overturning 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 the long-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 Italy¹; whereas access to abortion care is being denied in other EU Member States, such as recently in Croatia²; 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 or 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 World Health Organization recommendations and evidence;
- H. whereas in Europe, women are still facing obstacles preventing them from enjoying their rights and freedoms, owing to legal restrictions, which neglect women's rights and needlessly put their lives at risk; whereas in a recent case Andrea Prudente, an American tourist, was banned from having an abortion in Malta in spite of her life being in danger; 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 enshrines the main fundamental rights and liberties for people living in the EU; whereas the protection of safe and legal abortion has direct implications for the effective exercise of the rights recognised in the Charter, such as human dignity, personal autonomy, equality and physical integrity;
- J. whereas on 9 June 2022, Parliament adopted a strong resolution entitled 'Global threats to abortion rights: the possible overturning of abortion rights in the US by the Supreme Court'; whereas the recommendations of this resolution remain relevant and should be applied³;
1. Strongly condemns once again the backsliding in women's rights and SRHR taking place globally, including in the US 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 which have passed laws and other measures concerning bans and restrictions on abortion to

¹ [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](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)

² <https://www.roda.hr/en/news/support-for-accessible-safe-and-legal-termination-of-pregnancy-in-croatia.html>

³ https://www.europarl.europa.eu/doceo/document/TA-9-2022-0243_EN.html

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; considers that a proposal should be submitted to the Council to amend the Charter as follows:

Article 7a (new):

“Article 7a

Right to abortion

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 to this end; proposes that in this process, the right to safe and legal abortion be 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 women and girls in the US, as well as to those involved in both the provision of and advocacy for the right and access to legal and safe abortion care in such challenging circumstances; supports, likewise, the calls for the US Congress to pass a bill that would protect abortion at federal level;
5. Is deeply concerned about the fact that bans and other restrictions on abortion disproportionately affect women in poverty, in particular racialised women, including Black women, Hispanic women and Indigenous women, as well as women from rural areas, LGBTIQ people, women with disabilities, adolescents, migrant women, including irregular migrants, and single-parent households headed by women; stresses that women who, owing 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 violence¹;
6. Calls on the US Government to ensure data protection for everyone, especially for those seeking, providing and facilitating abortions, 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 sought²;
7. Stresses the lack of access to contraception and the existing unmet needs³; 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 SRHR and encourages them to continue with their work;

¹ https://www.ohchr.org/Documents/Issues/Women/WRGS/SexualHealth/INFO_Abortion_WEB.pdf

² <https://www.eff.org/deeplinks/2022/06/effs-statement-dobbs-abortion-ruling>

³ UNFPA state of world population report, ‘Seeing the Unseen: The case for action in the neglected crisis of unintended pregnancy’, 30 March 2022.

8. Calls on the Commission and the Member States to step up their political support for human rights defenders and healthcare providers working to advance SRHR, as well as for 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;
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 for the EU and its Member States to legally recognise abortion and to defend respect for the right to safe and legal abortion and other SRHR; calls further for the EU to act as an 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 to advocate its inclusion in the Universal Declaration of Human Rights;
11. Condemns the fact that many women in the EU still cannot access abortion services as a result of the remaining legal, financial, social and practical restrictions in some Member States;
12. Urges the Member States to decriminalise abortion and remove and combat obstacles to safe and legal abortion and access to SRHR; calls on the Member States to guarantee access to safe, legal and free abortion services, to pre-natal and maternal healthcare services and supplies, voluntary family planning, contraception, youth-friendly services, and to HIV prevention, treatment, care and support, without discrimination;
13. Recommends that a delegation to the US be organised as soon as possible to evaluate the impact of the Supreme Court's decision and to support women's rights NGOs and pro-choice movements in the country; requests that upcoming delegations of the European Parliament travelling to Washington consistently raise the issue of abortion rights and meet with women's rights organisations;
14. Calls on the European External Action Service, the EU Delegation to the 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 for any possible reduction in US 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 US Congress, and the US Supreme Court.