Resolution on global threats to abortion rights: the possible overturning of abortion rights in the US by the Supreme Court

2022/2665(RSP) - 09/06/2022 - Text adopted by Parliament, single reading

The European Parliament adopted by 364 votes to 154, with 37 abstentions, a resolution on global threats to abortion rights: the possible overturning of abortion rights in the US by the Supreme Court.

The text adopted in plenary was tabled by the EPP, S&D, Renew, Greens/EFA, the Left groups and Members.

According to the WHO, abortion is an essential element of comprehensive healthcare services and around 45 % of all abortions are unsafe, of which 97 % take place in developing countries.

As a reminder, 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.

The recent leak of an initial draft majority opinion of the Supreme Court would overturn Roe v Wade and roll back constitutional rights in the US. The Supreme Court is expected to issue a final ruling before the end of June 2022. The leaked draft opinion represents the most detrimental outcome for abortion rights in terms of what the Supreme Court could decide, by allowing states to **ban abortion at any point in pregnancy** and opening up the possibility of **complete bans on abortion**, which would in turn remove the protections conferred by their existing rights for women and girls in the US.

Texas has recently passed so-called Senate Bill 8, which bans abortion after the commencement of foetal cardiac impulses, i.e. after approximately six weeks of pregnancy, with no exceptions for rape, incest or foetal health conditions that are incompatible with sustained life after birth.

The decision to overturn Roe v Wade may embolden or encourage anti-choice movements to put pressure on governments and courts outside the US to **roll back abortion rights** and jeopardise the important gains made over recent decades, where more than 60 countries have reformed their laws and policies on abortion to remove restrictions and barriers.

Almost all deaths stemming from unsafe abortions occur in countries where abortion is severely restricted. It is estimated that the annual number of maternal deaths in the US due to unsafe abortions would increase by 21 % by the second year after a ban takes effect.

The resolution stressed that the rise of the far right is also contributing to this backsliding in women's right to abortion, which is manifesting itself across the world.

Parliament strongly condemned the backsliding in women's rights and SRHR taking place globally, including in the US and in some EU Member States. It expressed 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.

Members reminded the United States Supreme Court of the importance of **upholding the landmark case** of Roe v Wade (1973) and the resulting constitutional protections of the right to abortion in the US. They

called for action to safeguard the right to safe and legal abortion in the US and for the US to refrain from any backward steps. The relevant US authorities are called on to **fully decriminalise access to and the provision of abortion services**, to guarantee safe, legal, free and high-quality sexual and reproductive health services in their territories and to make them easily accessible to all women and girls.

Moreover, Texas is urged to swiftly repeal Senate Bill 8 and Idaho and Oklahoma are urged to repeal their similar laws. Parliament called on all 26 US states with trigger laws, laws on the books and other measures concerning bans and restrictions on abortion to repeal them and to ensure that their legislation is in line with internationally protected women's human rights and international human rights standards.

President Joe Biden and his administration are encouraged to strengthen their efforts and to continue to support abortion rights and ensure access to safe and legal abortion.

The US Government is called on to:

- make further efforts in order to ensure that abortion and contraception are integrated within the provision of age-appropriate and comprehensive SRHR information, education and services, and that they are accessible to all;

- ensure adequate federal, constitutional and statutory protections for the right to terminate a pregnancy;

- remove all barriers to abortion services, including third party consent or notification, mandatory waiting periods and authorisation by judges or medical panels, and to guarantee timely access to abortion care across the country;

- ensure that laws and policies on data protection are in line with international human rights standards and to guarantee that the processing of sensitive personal information, such as health-related data and information, respects the rights of individuals. Digital distribution services should ensure that all apps respect data use and protection laws.

For its part, the EU and its Member States should:

- offer all possible support, including financial support, to US-based civil society organisations protecting, promoting and providing SRHR in the country, as an expression of its unwavering commitment to these rights;

- offer a safe haven for all medical professionals who might be at risk of legal persecution or other forms of harassment as a result of their legitimate work in providing abortion care;

- use all instruments at their disposal to strengthen their actions to counteract the backsliding in women's rights and SRHR;

- decriminalise abortion and remove and combat obstacles to safe and legal abortion and access to sexual and reproductive healthcare and services;

- 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, as well as to HIV prevention, treatment, care and support, without discrimination.