

# STAND UP FOR HUMAN DIGNITY AND FUNDAMENTAL RIGHTS EU WIDE!

## 12 REASONS TO OPPOSE THE ESTRELA RESOLUTION ON SEXUAL AND REPRODUCTIVE RIGHTS AND HEALTH & VOTE IN FAVOUR OF AM 1

*The motion for a resolution on Sexual and Reproductive Health and Rights outlines problems related to the health of women and mothers in Europe and beyond. All EU citizens are entitled to health care, protection and support. However, none of these issues find an appropriate reply in the text presented by Mrs Estrela.*

*This report is inconsistent with the EU and national legislations; it expresses disrespect for the founding principle of subsidiarity as well as the fundamental right to freedom of conscience.*

*Above all, the report does not respect the inherent right to life of every person, whether an EU citizen or not. Such an attitude is not worthy of the EU. It is not worthy of the democratically elected representatives of the European people to promote such a text. It is not worthy of all those who are fathers and mothers, grandparents, uncles and aunts to limit themselves to such an approach regarding their children, grandchildren, nephews and nieces.*

*Offer something better to Europe's young and future generations. Vote against this resolution!*

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*“Everyone has the right to life.” - EU Charter of Fundamental Rights*

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### 1. Special care for motherhood and childhood

- There should be special care for motherhood and childhood as claimed in articles 2 and 25 of the Universal Declaration of Human Rights and as outlined in the abovementioned motion for a resolution.
- The Declaration of the Rights of the Child of the United Nations states 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”*.
- Such care should include protection of children, and pre and post natal care for mothers. Nevertheless, such care cannot be provided at the expense of either of the persons concerned. Both the mother and the child must receive appropriate care, at every stage of the pregnancy and after birth.

### 3. There is no ‘right to abortion’

- **No international legally binding treaty, nor the ECHR, nor customary international law can accurately be cited as establishing or recognizing a ‘right to abortion’.**

### 2. The right to life of either of the persons cannot be superior to the other's right to life

- *“Human dignity is inviolable. It must be respected and protected.”* (art. 1) *“Everyone has the right to life.”* (art. 2) - Charter of Fundamental Rights
- **Protection of every human life from conception** is a principle reaffirmed by the **European Court of Justice** in its ruling C-34/10.
- **The right to protection of every human life from conception is supported by over 1.3 million EU citizens** who signed the European Citizens Initiative *One of Us*.

### 4. Abortion is not an EU competency, solely a Member State issue

*« The Council would point out that the issue of abortion is the responsibility of the individual Member States, the scope of Community action on health issues being strictly defined by Article 152 of the EC Treaty.»*

*“The Commission does not assume any positions in favour or against abortion, due to the fact that there is no community legislation in this respect.”*

## 5. Member States have differing views on abortion

- *“Any recommendation related to the Overarching Post-2015 Agenda should not in any way create an obligation on any party to consider abortion as a legitimate form of reproductive health or rights or commodities.”* - Malta, UN, 14 Oct 2013
- Under UK law, **abortion on demande** can be carried out during the first **24 weeks of pregnancy**, i.e. **6 months**.

## 6. Threats to the rights of the child

- The child has the right to *“as far as possible, the right to know and be cared for by his or her parents”* (Conv. On the Rights of the Child, art. 7).
- However, paragraph 8 of the motion calls on *“Member States to ensure access to fertility treatments and assisted medical procreation also for single women and lesbians.”*
- Filiation between a child and his or her mother and father would no longer be respected if the above provision was encouraged.

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*“The best interests of the child shall be a primary consideration”*

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## 7. Sexual education and parental rights

- Parents are the first and primary educators of their children, and as such **have a prior right to choose the kind of education that shall be given to their children. The motion for a resolution only refers to parents as “other stakeholders.**
- *Para. 43 & 46: “Social marketing for condom use and other methods of contraception, and initiatives such as confidential telephone helplines and adolescent-friendly sexual and reproductive health services (...) are to be accessible without the consent of parents or guardians”.*

## 8. What kind of sexual education?

- *“sex education classes compulsory for all primary and secondary school children”* (para 43).
- *‘Standards for Sexuality Education in Europe: A framework for policy makers, educational and health authorities and specialists’* are the sole reference of the report (page 4), they include:

### Age 0-4 years:

*“Give information about enjoyment and pleasure when touching one’s body, **early childhood masturbation**”; “Enable children to gain an awareness of **gender identity** and give the right to explore **gender identities**”*

## 9. The failure of mandatory sexual education and free access to contraceptives and abortion, the case of Sweden

Mandatory sexual education at school since 1955, free access to contraceptives and abortion, without parental consent for adolescents. The programme aims at deconstructing gender stereotypes, at school. No room is intended for parental involvement. 19,8 abortions per 1000 women aged 15-19 years in 2011.

## 10. Exporting abortion abroad – the new colonialism?

*“urges the EU to ensure that European development (...) has a strong and explicit focus, and concrete targets on SRHR, paying particular attention to family planning services, maternal and infant mortality, **safe abortion**”*(para 78). 200 M € is already spent on this (Euromapping 2011).

## 11. Respect for the principle of subsidiarity?

The motion for a resolution is clearly an attempt to impose a view on these sensitive issues that is inconsistent with national legislations and cultures, so also in the case of development aid beyond the EU itself.

## 12. Freedom of conscience

*“The right to conscientious objection is recognised, in accordance with the national laws governing the exercise of this right.”* (FRC art. 10.2)

- **The human right of conscientious objection does not compete with the responsibility of the state to ensure that patients are able to access medical care**, in particular in cases of emergency prenatal and maternal health care.
- **No person, hospital or institution should therefore be coerced, held liable or discriminated against in any manner because of a refusal to perform, accommodate, assist or submit to practices which could cause the death of a human embryo or foetus.**