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Imposing abortion in Ireland

Written question No. 622 to the Committee of Ministers
by Mr Luca VOLONTÈ, Italy, Group of the European People's Party

Irish people have always been firmly opposed to abortion. Since the 1980s, they have rejected the legalisation of abortion three times, while affording equal constitutional protection to the life of the unborn child and that of the mother. Abortion is therefore always prohibited, except when doctors consider it necessary to save the life of the mother.

The European Court of Human Rights affirmed several times that the European Convention does not contain a right to abortion but a right to life; the Court also specified that prenatal life is not excluded in principle from the scope of protection of the Convention and that it belongs to each State within its margin of appreciation to decide when life begins, and consequently to determine when starts its legal protection under national law and the European Convention. Ireland protects human life since its beginning.

Following the *A., B. and C. v. Ireland* case of 16 December 2010, Ireland is the target of an international campaign pressuring it to liberalise abortion. Because the Convention cannot be interpreted as containing a right to abortion, its liberalisation is not imposed directly, but by the peripheral way of the procedural obligations which guarantee not a substantial right to abortion, but a procedural right of knowing whether one fulfils the right to access to an abortion.

It is obvious that the Convention system is being instrumentalised in order to impose an obligation that was never part of the Treaty and that is moreover contrary to the original intention of its drafters.

Mr Volontè,

To ask the Committee of Ministers,

– how can a country be pressured to legalise abortion in the name of a Convention which does not enshrine a right to abortion ?

– does the Committee of Ministers envisage that such *ultra vires* practices may ultimately undermine the authority of the Council of Europe?

– Ireland is among the safest countries in the world in respect of maternal services. Therefore, why did the Committee of Ministers decide to give “precedence” to this case, when so many important cases of violations of human rights guaranteed by the Convention are treated under the ordinary procedure?