



Doc. 13102

21 January 2013

Progress of implementation of Strasbourg Court judgment with respect to Ireland

Reply to Written question¹: Written question No. 620 (Doc. 13076)
Committee of Ministers

1. The Committee of Ministers informs the Honourable Parliamentarian that it has examined, at its 1157th meeting (DH) on 4 to 6 December 2012, the state of execution of the judgment given by the Court in the case of *A, B and C v. Ireland*. The Deputies have on this occasion adopted the following decision:

“The Deputies

1. noted with satisfaction that on 13 November 2012 the expert group tasked with advising the Irish authorities on how to implement the judgment, submitted its report which identifies four options – guidelines, secondary legislation, primary legislation and primary legislation coupled with regulations – and that the authorities will decide on the option to be pursued to implement the judgment before 20 December 2012;

2. highlighted, in this connection, that the expert group noted that “Ireland is under a legal obligation to put in place and implement a legislative or regulatory regime providing effective and accessible procedures whereby pregnant women can establish whether or not they are entitled to a lawful abortion in accordance with Article 40.3.3 of the Constitution as interpreted by the Supreme Court in the X case” and considered that this would address the concerns raised by the Court (see §§264-267 of the judgment);

3. recalled also in this context that the European Court found the general prohibition on abortion in criminal law constituted a significant chilling factor for women and doctors because of the risk of criminal conviction and imprisonment, and noted the view of the expert group that only the implementation of a statutory framework would provide a defence from criminal prosecution;

4. underlined again their concern regarding the situation of women who are of the opinion that their life may be at risk due to their pregnancy in circumstances similar to those experienced by the third applicant and invited the Irish authorities to take all necessary measures in that respect;

5. urged the Irish authorities to expedite the implementation of the judgment both in that regard and generally, and invited them to inform the Committee of the option to be pursued to implement the judgment as soon as possible;

6. decided to resume consideration of these issues at the latest at their 1164th meeting (March 2013) (DH).”

2. The Committee of Ministers will continue to examine the state of execution of this case within the framework of its role of supervision of the execution of the Court's judgments.

1. Adopted on 16 January 2013 at the 1159th meeting of the Ministers' Deputies.

