

European Ministers Agree: No Consensus on Abortion

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STRASBOURG, August 2 (C-FAM) European ministers disappointed abortion groups last month when they failed to say that abortion is a human right. They cited lack of consensus in Europe.

Forty-seven European ministers were unable to answer two direct questions about abortion. The ministers represent each of the 47 nations of the Council of Europe, Europe's principal human rights institution.

Should the Council promote abortion? Is abortion a human right under the European Convention on Human Rights?

Luca Volonte`, leader of a centrist political coalition at the Council, posed the questions to the Committee of Ministers, the highest organ of the Council of Europe. The ministers were unable to reach the necessary consensus even though they are required to respond to questions received from the Parliamentary Assembly where Volonte` is a member.

The failure to respond is "very rare" according to Gregor Pupnick, a lawyer who follows the work of the Council. He published an article in an Irish journal arguing that the European human rights treaty does not establish a right to abortion.

A draft response to Volonte`s questions circulated during the closed deliberations of the ministers deferred to the jurisprudence of the European Court of Human Rights. The Court notoriously declared that absolute bans on abortion are not permissible. That draft response did not garner consensus among the ministers.

The ministers likewise disappointed groups that want to reduce the role of sovereign states in the development and implementation of international law, also known as trans-nationalists.

Up to fairly recently, it was common to defer to the opinions of the European Court when answering questions. Now, countries point out that the European Court's opinions are only binding in the individual cases it adjudicates and have no precedential value. Recently, even countries that are considered liberal on social issues, like the United Kingdom, are pushing back against the influence of the Court.

The ministers appear more eager to preserve the traditional role of states in interpreting international law. Under international law, individual sovereign states are the chief interpreters of binding international agreements. International courts, like the European Court of Human Rights, only have authority to interpret treaties if states submit to their jurisdiction.

Pupnick observed that countries are growing weary of liberal western elites trying to impose their agenda on the whole of Europe, and beyond, through international courts and other institutions.

Recently, members of the European Parliament urged President Obama to ignore U.S. law and fund international abortions in war-torn regions. Last year, European Dignity Watch released a report detailing how the European Union funds abortion through development aid.

Often, the social agenda of these institutions can cause political unrest. Just recently, Ireland was plunged into turmoil because the European Court demanded that Ireland legislate on abortion.

Abortion, in particular, is a subject of controversy wherever it comes up, even where abortion is legal. Political leaders shun any debates about abortion domestically, and when the subject comes up in inter-governmental negotiations diplomats do their best to avoid any explicit mention of abortion.

In most countries in Europe abortions may be performed only in the early stages of pregnancy to protect the wellbeing of expectant mothers. It is usually called "therapeutic abortion" to avoid the suggestion that abortion on-demand is acceptable.