

<u>Judgment Date</u>	<u>Final on</u>	<u>Case Title</u> <u>Violation list</u>	
<u>25579/05</u>		<b>A. B. and C. v. Ireland (LEAD)</b>	ENHANCED SUPERVISION
16/12/2010 - 16/12/2010		<u>VPSM</u>	

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**Case description:** .The European Court considered that the third applicant, who had a rare form of cancer, could not establish - due to a lacuna in the legal framework - whether she met the criteria to access an abortion, which is lawful in Ireland when there is a real and serious risk to the life of the mother (violation of Article 8).

**Status of execution:** *Individual measures:* The European Court awarded the third applicant just satisfaction in respect of non-pecuniary damage. Given the circumstances of the case and the just satisfaction awarded by the Court, no other individual measure appears necessary.

*General measures:* At its last examination of the case, the Committee noted with satisfaction that the expert group tasked with advising the Irish authorities on how to implement the judgment had submitted its report, which identified four options – guidelines, secondary legislation, primary legislation and primary legislation coupled with regulations – and that the authorities intended to decide on the option to be pursued before 20 December 2012.

The Committee highlighted in this connection that, as noted by the expert group, 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. The Committee also noted in this respect the view of the expert group according to which only the implementation of a statutory framework would provide a defence for medical doctors from criminal prosecution.

**Last exam of the Committee of Ministers:**

**Reference texts:**

Updated Action plan (30/11/2012) [DH-DD\(2012\)1124](#)

Updated Action plan (08/02/2013) [DH-DD\(2013\)129E](#)

Communication from an association (Irish Family Planning Association (04/08/2011) [DH-DD\(2011\)628E](#)

Communication from a NGO (Irish Council for Civil Liberties) (17/08/2011) [DH-DD\(2011\)645](#)

Communication from a NGO (National Women's Council of Ireland) (03/08/2012) [DH-DD\(2012\)738E](#)

Communication from a NGO (Irish Family Planning Association (IFPA)) (10/08/2012) [DH-DD\(2012\)753E](#)

Communication from a NGO (Irish Council for civil liberties) (19/09/2012) [DH-DD\(2012\)882E](#)

Communication from a NGO (European Centre for Law and Justice) (18/09/2012) [DH-DD\(2012\)917E](#)

Communication from a NGO (Amnesty International) (18/02/13) [DH-DD\(2013\)197](#)

Communication from a NGO (Irish Family Planning Association - IFPA) (26/02/13) [DH-DD\(2013\)236E](#)

**Decision adopted at the 1157th meeting (December 2012)**

<b>Application</b>	<b>Case</b>	<b>Judgment of</b>	<b>Final on</b>
25579/05	A. B. AND C.	16/12/2010	Grand Chamber

**1164th meeting (5-7 March 2013) - Notes**

The latest update to the Action plan confirms that the authorities have chosen the fourth option identified by the expert group, namely the adoption of legislation with regulations. They will also make appropriate changes to the criminal law in this area. According to the authorities, the draft legislation and regulations will be published within the next few months.

Concerning the situation of women who (like the third applicant) are of the opinion that their life may be at risk due to their pregnancy, the authorities reiterate the information previously submitted on the remedies available at the time of the judgment, whilst accepting that the European Court found that these did not meet the requirements of the Convention. They add that the wide media publicity and attention given to the judgment means that medical practitioners are now aware of the need to determine if there is a real and substantial risk to the life of the patient, and if such a risk can only be averted by a termination of pregnancy.

The authorities will submit their next update to the action plan on 8 May 2013.

*Decisions*

The Deputies

1. recalled the legal obligation on Ireland 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, and that only the implementation of a statutory framework would provide a defence for medical doctors from criminal prosecution;
2. noted with satisfaction that the authorities have decided to implement the judgment by way of legislation and regulations;
3. welcomed the indicative timetable presented according to which it is the authorities' intention that the general scheme of a Bill would be published in April and that the Bill itself would be introduced in the Parliament in the summer session with the goal of having it enacted by the end of July, having due regard to the prerogative of parliament;
4. recalled 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 as well as their invitation to the Irish authorities to take all necessary measures in that respect pending full implementation of the judgment, and in that connection welcomed the development of and intention to roll out shortly the Irish Maternal Early Warning System to standardise the management of acutely ill pregnant women;
5. invited the authorities to keep the Committee informed on developments, including on the content of the legislation and on the timetable.