

Berlin, 25 November 2020

Statement by Michael Roth, Minister of State for Europe, on behalf of the Council at the  
November II Plenary Session of the European Parliament

President, Honourable Members,

Thank you for inviting the Presidency of the Council to intervene on this important topic. I regret that I cannot be with you in person on the occasion of this plenary session, and I would like to thank President Sassoli for granting me this opportunity to address you in writing again. I will follow this debate attentively from Germany.

Over the last weeks, we have seen demonstrations in Poland against a recent Constitutional Court judgement regarding abortion rights.

Abortion and reproductive rights are highly sensitive and complex issues across Europe, including from a legal perspective.

The European Court of Human Rights has consistently ruled that Member States of the Council of Europe enjoy a wide margin of discretion as to whether and under what circumstances abortion is permitted under their national law. However, once a Member State decides to allow abortion, it has according to the European Court of Human Rights a positive obligation to create a procedural framework enabling a pregnant woman to effectively exercise her right to access to a lawful abortion, in compliance with various provisions of the European Convention on Human Rights.

As far as the European Union is concerned, primary law confirms that Union law in principle does not interfere with constitutional provisions and other national legislation of EU Member States relating to abortion.

The Charter of Fundamental Rights of the European Union does not provide an autonomous right to abortion even though it contains various rights that are potentially relevant for reproductive matters –pursuant to Article 51 (1) of the Charter these rights apply only when Member States are implementing Union law.

It should also be noted that the European Pillar of Social Rights states that "Everyone has the right to timely access to affordable, preventive and curative health care of good quality".

In the context of the current pandemic, I would also like to touch upon an issue to which the Presidency attaches great importance. It is the impact of the COVID-19 crisis on women, in particular those who suffer domestic violence. In this regard, let me stress that we need more than ever a gender-sensitive approach in our responses and I thank the Commission for all the initiatives and actions included in its Gender Equality Agenda.

The Presidency also calls for support to women's NGOs in their advocacy role, ensuring that they can access EU funds including those by the European Social Fund in the new programming period, the Rights, Equality and Citizenship Programme and other funding schemes.

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