

Cheap Foreign Abortions Challenged in Czech Republic

✖ Does European law require the country to offer abortions to citizens from other European countries? Some seem to think so. That's why the Alliance Defense Fund submitted a legal opinion to the Czech Republic Ministry of Health Friday to dispel the notion.

It seems the Czech Parliament is considering whether to adopt legislation that would offer such abortions at inexpensive prices under the mistaken belief that binding interstate service provisions between European countries apply to abortion. But the reality is that the European Parliament and Council of Europe have made it clear that abortion is outside of their jurisdiction and is therefore not subject to the interstate service directives.

"No one should accept the falsehood that governments must offer abortions just because pro-abortion advocates want that to happen. Neither European nor international law requires the Czech Republic to offer abortions," says ADF Legal Counsel Roger Kiska, who is based in Europe. "Forcing this type of illegitimate cross-border recognition is something Americans have already seen attempted in laws related to health care and marriage. It must be stopped wherever it rears its ugly head."

The ADF legal opinion demonstrates that the European Parliament and the Council of Europe have themselves explained that they do not have any authority over member states with regard to abortion. Past resolutions by both bodies that have recommended easy and legal access to abortion throughout Europe were entirely non-binding opinions.

In 2006, the Council of Europe itself explained, "The European Union treaties have not bestowed on the Community or the Union

the competence whereby the Union could regulate on abortions. The Member States thus have the competence to regulate on this and ensure compliance in their territory with the laws that they pass. The EU cannot interfere in unsatisfactory states of affairs due to differences in the legislation of Member States when it comes to areas that are not within its competence.”

Later, the Council clarified further, writing, “the issue of abortion from a legal point of view falls under the competence of the individual Member States.”

The resolutions “are not binding on the Member States of the EU or the Council of Europe or any other European institutions,” the ADF legal opinion explains. “Despite what some pressure groups may suggest, there is no such thing as a ‘right to abortion’ in international law or in European law ... Therefore, by restricting access to an abortion to certain people, a Member State should not be seen to be acting contrary to European law.”