

ACTION REPORT

A, B, and C v. Ireland

Application no 25579/2005

Grand Chamber judgment 16 December 2010

Information submitted by the Government of Ireland on 13th January 2012

Introduction

Three applicants, A,B and C, all of whom had crisis pregnancies, brought proceedings against Ireland before the European Court of Human Rights claiming violations of Articles 2, 3, 8, 14 and 13 of the European Convention on Human Rights.

1. In its judgment delivered on 16 December 2010 the Grand Chamber determined that there had been no violation of the Convention in relation to the first and second applicants, Ms. A and Ms. B.
2. The Grand Chamber determined that there had been a violation of Article 8 of the Convention in relation to applicant Ms. C .

Implementation

3. As indicated in its Action Plan filed on 16 June 2011, Ireland is committed to ensuring that the judgment in this case is implemented expeditiously. The judgment highlights the lack of effective and accessible rules in relation to the application of Article 40.3.3. This must now be addressed, while, as the Court also acknowledged, implementation of Article 40.3.3 of the Irish Constitution on the protection of the unborn is a sensitive and complex task. As indicated on 16 June, the individual measure in respect of Ms. C has been satisfied.
4. Insofar as general measures are concerned, the Government committed in its Action Plan to establishing an expert group, drawing on appropriate medical and legal expertise with a view to making recommendations to Government on how this matter should be properly addressed. In the Action Plan the Government also indicated that it would, by the end of 2011, submit an Action Report outlining the Expert Group's detailed terms of reference, membership and meeting schedule. These are outlined below.

Terms of reference

5. On 29 November, the Government approved the establishment of the aforementioned Expert Group with the following terms of reference:
 1. To examine the *A, B and C v Ireland* judgment of the European Court of Human Rights;
 2. to elucidate its implications for the provision of health care services to pregnant women in Ireland;
 3. to recommend a series of options on how to implement the judgment taking into account the constitutional, legal, medical, and ethical considerations

involved in the formulation of public policy in this area and the over-riding need for speedy action.

Membership

6. The composition and membership of the Expert Group is indicated in the table below. The Expert Group may consult with interested parties and additional relevant experts and professionals.

Schedule of meetings and next steps

7. The Expert Group will meet on a periodic basis (at least monthly). The Expert Group will be established by the end of January 2012 and tasked to report back to Government within six months.
8. The Expert Group will report back to the Government at the end of its deliberations by means of a written report for the Government to consider.
9. A further Action Report will be filed by the end of October 2012 to update the Committee of Ministers on developments and next steps in the implementation of the judgment.

No	Expertise	Organisation
1	Chair	Judge Sean Ryan
2	Obstetrics	Dr Peter Boylan , Consultant Obstetrician/Gynaecologist
3		Dr Mary Holohan, Consultant Obstetrician/Gynaecologist
4	Psychiatry	Dr Imelda Ryan Psychiatrist
5	General Practice	Dr Ailish Ni Riain
6		Dr Mark Walsh
7	Law	Ms Christine O'Rourke, Office of the Attorney General
8		Ms Mary O Toole, Senior Counsel
9		Ms Joanelle O'Cleirigh, Solicitor
10		Ms Denise Kirwin, Solicitor
11	Policy	Mr. Bernard Carey, Assistant Secretary, Department of Health
12		Dr Tony Holohan, Chief Medical Officer, Department of Health
13	Professional Standards – Doctors	Dr. Deirdre Madden nominated by Medical Council
14	Professional Standards – Midwives	Dr Maura Pidgeon nominated by An Bord Altranais (Nursing Board)