



Marije CORNELISSEN MEP

Brussels, 10 June 2013

Honourable President of the Republic of Macedonia H.E. Gjorgje Ivanov,

Honourable President of the Government of Republic of Macedonia, Mr. Nikola Gruevski

Honourable Members of the Assembly of the Republic of Macedonia, specifically to :

- the Members of the Committee on Health Care and
- Members of the Committee on European Issues

RE: Draft Law on Termination of Pregnancy

We undersigned Members of the European Parliament have learned of the proposed draft law on termination of pregnancy currently under discussion under the urgent procedure of the Assembly and are writing to express our concern both on the form of the debate in the Assembly as well as on the content of the draft law.

Termination of pregnancy is equally a public health concern and a human rights issue related specifically to a woman's right to self determination. We are therefore concerned that such a complex matter should be discussed under an urgent procedure in Parliament when there would appear to be no specific urgency. Indeed, discussing termination of pregnancy in this manner only prevents transparent and meaningful consultation and public debate with interested parties such as women's organisations, civil society, the medical profession and other key stakeholders. Therefore, the form of the debate in the Assembly on such a sensitive social issue which has repercussions in areas of public health, human rights and women's rights is a cause of concern regarding Macedonia's commitments towards democracy and its path towards EU accession.

Second, the draft law proposes a number of new measures which have the effect of creating administrative barriers for women to access legal abortion services to the extent that they could be deemed to be humiliating and degrading to women and thus contrary to human dignity and the fundamental rights to privacy and confidentiality. These barriers include:

- Submission of a written request by the woman to terminate the pregnancy;
- Requesting written consent for the intervention by the woman;
- Mandatory biased pre-abortion counselling which is not based on medicine or the patient's interests;
- Mandatory ultrasound with accompanying certificate from a specialist gynaecologist in order to access the termination;
- Mandatory notification of the spouse in case the woman is married;
- Mandatory waiting period of 3 days for counselling (waiting period), prior to the performing the intervention.

None of these measures are based on women's needs nor are they medically necessary. Indeed, many of the measures would contravene women's rights to access proper healthcare, privacy, autonomy, confidentiality and dignity which are all guaranteed in the Macedonian Constitution and are essential components of the EU accession process.

The draft law also makes no reference to international and European standards in the matter of termination of pregnancy or sexual and reproductive health and rights as well as other key elements of fundamental freedoms, specifically as articulated in the following:

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- WHO 2012 "Safe abortion: technical and policy guidance for health systems" of the World Health Organization (WHO), Department of Reproductive Health and Research
- Resolution 1399 of the 2004 Parliamentary Assembly of the Council of Europe on a 'European strategy for the promotion of sexual and reproductive health and rights',
- Resolution 1607 of the 2008 Parliamentary Assembly of the Council of Europe Resolution on 'Access to safe and legal abortion in Europe',
- Articles 8, 9, and 19 of the Treaty on the Functioning of the European Union, which refer to combating discrimination based on sex and the protection of human health,
- the Charter of Fundamental Rights of the European Union.

While we fully recognise that legislation in regards to public health, including in the area of termination of pregnancy, remains an area of national sovereignty, the manner in which legislation is proposed and debated is itself a telling sign of a country's readiness to join the European Union and ability to meet the Union's democratic criteria.

We would also like to recall the fundamental principle in the European Union of separation of Church and State. In the context of termination of pregnancy this would include the right of women to exercise their own choices in relation to human sexuality and reproduction, even if it is not in conformity with the doctrine of religious institutions.

In conclusion, we would therefore respectfully urge the Members of the Assembly of the Republic of Macedonia to reassess whether legislating on termination of pregnancy through the urgent procedure is necessary and that international and European standards based on sound science, medicine and human rights serve as the primary guidance in this area of legislation.

Respectfully yours,
Members of the European Parliament

Hon. Marije Cornelissen, MEP
Netherlands

Group of the Greens/European Free Alliance
European Parliament Rapporteur on Women's rights in the Balkan accession countries

Hon. Norbert Neuser, MEP
Germany

Group of the Progressive Alliance of Socialists and Democrats in the European Parliament
Member of the European Parliament Working Group Reproductive Health, HIV/AIDS and Development

Hon. Jean Lambert, MEP
United Kingdom

Group of the Greens/European Free Alliance
Member of the European Parliament Working Group Reproductive Health, HIV/AIDS and Development

Hon. Mikael Gustafsson, MEP
Sweden

Confederal Group of the European United Left - Nordic Green Left
Chair of the EP Committee on Women's Rights and Gender Equality

Hon. Michael Cashman, MEP
United Kingdom

Group of the Progressive Alliance of Socialists and Democrats in the European Parliament
Chair of the EP Conference of Delegation Chairs

Hon. Sirpa Pietikainen, MEP
Finland

Group of the European People's Party (Christian Democrats)
Member of the European Parliament Working Group Reproductive Health, HIV/AIDS and Development

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EUROPEAN PARLIAMENT

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CC:

- H.E. Nikola Todorov, Minister of Health, Republic of Macedonia
- H.E. Fatmir Besimi, Deputy Prime Minister for European Affairs, Republic of Macedonia
- H.E. Ambassador Dr. Andrej Lepavcov, Head of Mission of the Republic of Macedonia to the EU
- Mr. Štefan Füle, EU Commissioner for Enlargement and Neighbourhood Policy
- Mr. Aivo Orav, Head of the Delegation of the European Union to the FYR-Macedonia
- Hon. Richard Howitt, MEP, Rapporteur for the 2012 progress report on the FYR- Macedonia

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