

# Legal Note – European Citizens’ Initiative “My Voice My Choice” and the Competences of the European Union

## I. Background

The European Citizens’ Initiative (ECI) “*My Voice My Choice*” calls for the establishment of a **European funding mechanism for abortion**, aiming to finance access to abortion for women who cannot obtain it in their home countries.

This proposal would, for instance, enable a woman residing in France—where abortion is prohibited beyond 14 weeks except in limited cases—to receive EU funding to travel to another Member State, such as the Netherlands, to undergo the procedure, until 24th weeks’ pregnancy.

## II. Legal and Institutional Context

### 1. Competence of the European Union in Health and Family Matters

Under the **Treaty on the Functioning of the European Union (TFEU)**, the EU’s competences in the field of **public health** and **family policy** are **supporting and coordinating**, not legislative or harmonizing.

- **Article 6 TFEU** – The Union may carry out actions to support, coordinate, or supplement the actions of the Member States.
- **Article 168 TFEU** – The Union shall complement national policies to improve public health, but “the organization and delivery of health services and medical care shall remain the responsibility of the Member States.”

Therefore, **abortion policy remains an exclusive competence of the Member States**. The EU cannot finance, legislate, or create mechanisms that would **circumvent national laws** or **influence moral and ethical choices reserved to national sovereignty**.

Creating an EU fund for abortion would amount to an **indirect harmonization** of national health and bioethical policies, contrary to the **principle of subsidiarity** enshrined in **Article 5(3) TEU**.

### 2. The Charter of Fundamental Rights of the European Union – Article 33

**Article 33 of the Charter** establishes rights relating to **family and professional life**:

- “1. The family shall enjoy legal, economic and social protection.
2. To reconcile family and professional life, everyone shall have the right to protection from dismissal for a reason connected with maternity and the right to paid maternity leave and to parental leave following the birth or adoption of a child.”

This article emphasizes the **protection of family life and maternity**, not the promotion or facilitation of abortion.

EU directives implementing Article 33 (e.g., Directive (EU) 2019/1158 on work-life balance for parents and carers) explicitly refer to “**the best interests of the child**” as a guiding principle.

Consequently, **redirecting EU funds to finance abortion would contradict the spirit and legal framework of Article 33**, which recognizes maternity and the family as values deserving protection—not elimination.

### **3. Use of European Public Funds**

Historically, the EU has financed **hundreds of programmes** promoting **family cohesion, social inclusion, and support for vulnerable mothers**.

Example: an EU-funded project in Italy supported isolated rural families who struggled to raise children, helping them regain economic and emotional stability. Some participants even chose to have additional children because of this support.

Such programmes are consistent with Article 33’s objectives and the **social cohesion goals** of the Union (Articles 151 and 174 TFEU).

However, recent funding trends have shifted toward **ideologically driven projects**, including those introducing **gender theory** or **promoting abortion**, while programmes directly supporting maternity have been discontinued.

This raises legitimate concerns regarding the **proportionality** and **appropriate use of EU taxpayers’ money**, given that **a large majority of European citizens expect EU funds to promote life, family, and social well-being**, not the financing of morally divisive procedures.

## **III. Ethical and Social Considerations**

### **1. Denial of Women’s Suffering**

According to an IFOP poll (2020), **92% of women** report that abortion “leaves painful marks.”<sup>1</sup>

Framing abortion as a “right” or “choice” overlooks this psychological and emotional reality, and initiatives such as “*My Voice My Choice*” risk **instrumentalizing women’s pain** for ideological purposes.

### **2. The Double Denial**

The initiative represents a **double denial**:

---

<sup>1</sup> IPOF, 2020. Ifop Opinion is the French longstanding reference in terms of political research, election polls and public opinion surveys

- A **denial of women’s suffering** by reducing abortion to a political slogan.
- A **denial of the unborn child’s existence**, erasing the moral and human dimension of life protection.

This dual negation aggravates the emotional wounds associated with abortion and undermines authentic **women’s rights**, which should include **the right to be supported in motherhood**.

#### IV. Conclusion and Legal Assessment

The proposed funding mechanism under “*My Voice My Choice*” is **incompatible with the legal framework of the European Union**, for the following reasons:

1. **Lack of Competence:** The EU has no legal authority to create or finance mechanisms facilitating abortion across borders (Articles 6, 168 TFEU).
2. **Violation of Subsidiarity:** The initiative bypasses national competences on health, family, and morality.
3. **Contradiction with the EU Charter:** Article 33 protects maternity and family life; EU action should support—not undermine—these principles.
4. **Misuse of Public Funds:** EU taxpayers’ money should prioritize programmes that strengthen families, protect vulnerable women, and promote the best interests of children.
5. **Ethical Inconsistency:** By denying the suffering of women and the dignity of unborn life, the initiative undermines genuine human rights and social solidarity.

#### Recommendation

The European Commission and the College of Commissioners should **reject the ECI “My Voice My Choice” as legally unfounded and ethically inconsistent with the EU’s fundamental values**.

Instead, they should consider new initiatives and funding programmes under **Article 33 of the Charter** to:

- ✓ Promote **Maternity protection**,
- ✓ Support **vulnerable families**, and
- ✓ Strengthen **the social and economic protection of the family** across Europe.

Such a reorientation would align EU action with both its **legal competences** and **moral responsibility** toward women, children, and the family.