

The Committee of Ministers,

Having regard to Article 32 (art. 32) of the European Convention for the Protection of Human Rights and Fundamental Freedoms (hereinafter referred to as the "convention");

Having regard to the report drawn up by the European Commission of Human Rights in accordance with Article 31 (art. 31) of the convention relating to the application lodged by Mrs Brüggemann and Mrs Scheuten against the Federal Republic of Germany (Application No. 6959/75);

Whereas on 14 October 1977 the Commission transmitted the said report to the Committee of Ministers and whereas the period of three months provided for in Article 32, paragraph 1 (art. 32-1) of the convention has elapsed without the case having been brought before the European Court of Human Rights in pursuance of Article 48 (art. 48) of the convention;

Whereas in the applications introduced on 24 March and 27 May 1975 the applicants mainly allege violations of Article 8 (art. 8) of the convention in that they are not free to have an abortion carried out in case of an unwanted pregnancy, of Article 9 (art. 9) of the convention in that the judgment of the Federal Constitutional Court of 25 February 1975 was based on religious grounds, as well as of Articles 9 and 11 (art. 9, art. 11) of the convention on the grounds that the Constitutional Court interfered with the separation of powers, of Articles 14, 17 and 18 (art. 14, art. 17, art. 18) of the convention and for one of them of Article 12 (art. 12) of the convention;

Whereas the Commission in its decision of 19 May 1976 on the admissibility found the application raised issues under Article 8 (art. 8) of the convention but did not find it necessary to decide upon further allegations;

Whereas the Commission in its report adopted on 12 July 1977 considered that not every regulation of the termination of unwanted pregnancy constitutes an interference with the right to respect for the private life of the mother, in that Article 8, paragraph 1 (art. 8-1) could not be interpreted as meaning that pregnancy and its termination are, as a principle, solely a matter of the private life of the mother; and that therefore the Commission, in its report, concluded that the legal rules in force in German law since the judgments of the Federal Constitutional Court of 25 February 1975, about which the applicants complain, do not interfere with their right to respect for their private life;

Whereas in its report the Commission expressed the opinion that the present case does not disclose a breach of Article 8 (art. 8) of the convention;

Agreeing with the opinion expressed by the Commission in accordance with Article 31, paragraph 1 (art. 31-1) of the convention;

Voting in accordance with the provisions of Article 32, paragraph 1 (art. 32-1) of the convention,

Decides that in this case there has been no violation of the Convention for the Protection of Human Rights and Fundamental Freedoms.