



Written by [Dave Bohon](#) on December 17, 2010

European Court Rules Against Pro-Life Ireland

The latest judgment intensifies the pressure for Ireland to cave in to demands that it compromise on the right-to-life stand its citizens voted to write into their constitution in 1983, an addition that recognizes the life of the unborn as equal to that of the mother.

In 1992 the Irish Supreme Court ruled that Ireland must provide for abortion in cases where a woman's life is endangered (including when she threatens suicide), a judgment upon which the government has refused to act for the past 18 years. That refusal has forced an estimated 5,000 women to go to England and elsewhere to terminate the lives of their unborn babies, pro-abortion activists have said.



In an 11 to 6 verdict, the court derided the Irish government for its reluctance to change the law, writing that the delay has "resulted in a striking discordance between the theoretical right to a lawful abortion in Ireland on grounds of a relevant risk to a woman's life, and the reality of its practical implementation."

While the court recognized Ireland's right to protect unborn children by banning abortion, saying it reflects "the profound moral values of the Irish people in respect of the right to life of the unborn," it nonetheless ruled that the nation must provide for abortion in the case of women seeking the procedure to protect their own lives.

The court's decision is based on a 2005 lawsuit brought by the Irish Family Planning Association against the government on behalf of three women who were forced to travel overseas for abortions. While the court rejected the complaints of two of the women, it saw merit in the case of a Lithuanian woman with cancer who sought an abortion because she feared giving birth would endanger her life. When she could not get an abortion in Ireland, she simply traveled to England for the procedure.

The court ruled that she should have had access to abortion in Ireland, and ordered the government to pay her 15,000 euros (\$20,000), ruling further that the government must come up with guidelines that give Irish doctors clear options on when to allow for abortion.

Following the ruling the woman's attorney in the case, Julie F. Kay, insisted that Ireland must move swiftly to comply to the supra-national court's judgment. "Every day they're not reforming their abortion laws, they're violating the judgment of the European court," she said.

Ireland's pro-abortion forces applauded the ruling, with Dr. Mary Favier of Doctors for Choice declaring that the decision provided vindication for Ireland's pro-abortion physicians. "For the first time we can feel confident about discussing abortion as an option for women in medical need without fearing prosecution," she said.

Jon O'Brien of the Irish pro-abortion group Catholics for Choice hailed the ruling as a blow against the



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nation's conservative Catholic hierarchy. "It's time to recognize that the bishops don't speak for the Irish people, Catholic or non-Catholic, who know women need access to comprehensive health care, and that includes abortion," he declared.

Nonetheless, Ireland's significant pro-life body vowed to continue fighting for the lives of unborn children. One of the leading voices in that campaign has been Ireland's Catholic Cardinal, Sean Brady, who responded to the ruling by noting that "direct destruction of an innocent human life can never be justified, however difficult the circumstances. We are always obliged to act with respect for the inherent right to life of both the mother and the unborn child in the mother's womb. No law which subordinates the rights of any human being to those of other human beings can be regarded as a just law."

Added William Binchy, a law professor at Trinity College Dublin who acts as an advisor to one of Ireland's pro-life groups: "What's at stake in this debate is the value of life. The sad experience is that once laws permitting abortion are introduced, they diminish the society's respect for the inherent value of every human life, born or unborn."

While the majority of nations in the 47-member Council of Europe have liberal abortion laws, a handful of countries — most notably Malta, Andorra, and Vatican City — ban abortion entirely. The latest ruling of the European Court of Human Rights, which is legally binding (but nearly impossible to enforce), demonstrates the increasing inclination of international bodies to interfere in the affairs of supposedly sovereign nations.

Photo of outside of European Court of Human Rights: AP Images



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