

Europe Escapes Forced Abortion Rule

In a case many see as the “Roe v. Wade of Europe,” the Grand Chamber of the European Court of Human Rights (ECHR) has ruled that the document contains no “right” to abortion. That’s the Thursday decision in the case *A, B and C v. Ireland*.

A loss would have forced all countries in the Council of Europe to allow abortion or face large financial penalties in damages if sued. The case is pivotal because the lawsuit was decided in the Grand Chamber of the ECHR and the judgment is therefore binding on all lower chambers and member states.

Here’s the background: Three women sued to have the Ireland’s constitutional amendment protecting innocent life abolished. Alliance Defense Fund (ADF) attorneys defended Ireland’s legal protections for pre-born children on behalf of the Family Research Council. The three women, who never went to any doctor or court in Ireland—went directly to Britain to obtain their abortions—fought to establish a “right” to abortion in Ireland. The women also sought a precedent that would open the door to abortion as a right across all of Europe under the ECHR.

“No one should be allowed to decide that an innocent life is worthless, and no one should force any sovereign nation to give up its right to protect life in its constitution if it so chooses,” says ADF Legal Counsel Roger Kiska, who is based in Europe. “In this case, the court wisely upheld that right as it has done in the past. The stakes were clearly high for all of Europe, but also for other Western nations, such as the U.S., because their courts often closely watch how European courts are ruling.”

The court dismissed the claims of two of the three women. In the remaining woman’s situation, the court found that Ireland should provide a more clear procedure to determine risk to the life of the mother and therefore access to abortion rather than requiring a person in her situation to file a legal action with regard to the country’s constitution. She was awarded 15,000 euros (\$19,840) in monetary damages.

“The court was right to reassert that there is no right to abortion under the Convention, but it’s regrettable that Ireland lost on the third count despite such a lack of judicial record, physician consultation, or recourse to Irish courts,” Kiska says. “We will be closely monitoring the effect of that portion of the

decision.”