

Forced abortion in UK reportedly overturned on appeal

A controversial court decision in the United Kingdom to force a disabled woman to have an abortion has been overturned on appeal.

In a decision reportedly reached June 24, the English Court of Appeal overturned the previous ruling of the Court of Protection.

According to Press Association reports, the judges said they would issue a full explanation of their decision at a later date, but that the circumstances of the case were “unique.”

A spokesperson for Right To Life U.K., Clare McCarthy, welcomed the decision in a statement released June 24.

“This is a very welcome decision that will save the life of the unborn child and the mother from a forced late-term abortion and much undue distress. However, the horrific original ruling should never have happened.”

“Unfortunately, we fear that this is not a one-off case,” McCarthy said.

“We are calling on the Department of Health to urgently reveal how many women have been forced to have an abortion in the U.K. over the last 10 years and make it clear how they will ensure it will not happen again.”

Mrs Justice Nathalie Lieven imposed the original decision on June 21 in the Court of Protection in England, which hears cases involving the legal and personal affairs of people judged to have diminished mental capacity.

Lieven ruled that a forced abortion was “in the best interests” of the pregnant woman, over the objections of the woman herself, her mother, and her social worker.

The woman, who has not been identified, is reportedly in her 20s and is of Nigerian descent. Both she and her mother are Catholic, and the court heard that they objected strongly to the abortion on religious grounds.

The decision on appeal comes after thousands of people signed a petition urging U.K. Health and Social Care Secretary Matthew Hancock to intervene in the case.

Two Catholic bishops in the U.K. had also spoken out against the decision.

The online petition, started by Right to Life U.K. June 22, has received over 75,000 signatures since it was posted.

The petition urges the Health Secretary “to intervene in this case, so far as

possible, to prevent this gross injustice being inflicted by the State on this family and ensure this woman is not forced to have an abortion.”

Despite the petition, pro-life Members of Parliament acknowledged there was little chance of a ministerial intervention.

Jacob Rees-Mogg, MP for North-East Somerset, told Catholic News Agency that “This is deeply troubling but there is no Parliamentary route to challenging this decision.”

Doctors who cared for the woman argued that due to her mental capacities, either natural labor or cesarean section delivery could damage her mental health.

Her mother, described as a former midwife, along with a social worker who helps care for the woman, both disagree and do not wish to terminate the pregnancy.

The petition also drew attention Lieven’s “past advocacy for (the) abortion provider BPAS and her claim that Northern Ireland’s abortion law is akin to torture.”

In Northern Ireland, abortion is only permitted in instances when the mental or physical health of the mother is at risk. BPAS, the British Pregnancy Advisory Service, is the largest abortion provider in Britain.

Lieven has said that she is “acutely conscious” that ordering an abortion for a woman who did not want one was an “intense intrusion” by the state.

“I have to operate in [her] best interests, not on society’s views of termination,” Lieven explained in her decision. Lieven also suggested it would be more traumatic if the woman were to lose custody of her child, who would be a “real baby” after birth.

The woman’s mother offered to care for her grandchild, but Lieven dismissed this idea as impractical due to the pregnant woman’s mood disorder and developmental delays.

Two Catholic bishops from the United Kingdom also spoke out against the decision.

“Forcing a woman to have an abortion against her will, and that of her close family, infringes upon her human rights, not to mention the right of her unborn child to life in a family that has committed to caring for the child,” said Bishop John Sherrington, an auxiliary bishop of the Archdiocese of Westminster.

Sherrington serves as the designated spokesman on life issues for the Catholic Bishops’ Conference of England and Wales.

“In a free society like ours there is a delicate balance between the rights of the individual and the powers of the state,” he added. “This is a sad and

distressing decision for the whole family whom we keep in our prayers. This case, for which all information is not available, raises serious questions about the meaning of 'best interests' when a patient lacks mental capacity and is subject to the court's decision against her will."

Officials at the Archdiocese of Westminster told CNA that Cardinal Vincent Nichols would not be making a statement of his own.

Bishop John Keenan of the Diocese of Paisley, in Scotland, urged people to sign the petition in a video posted to Twitter by March4LifeUK. Keenan said that the decision "introduces a dangerous new development in the overreach of the power of the state over its citizens," and "has to be changed."

The decision is troubling, Keenan said, "not just in the interests of this woman and her child, but in the interests of everyone who believes in choice in this country, in the interests of everyone who believes in the prerogatives and the rights of citizens over the state."

Scotland has both a separate court system from England and Wales, and the Catholic hierarchy of Scotland has its own bishops' conference.

Police are investigating the circumstances of how the woman became pregnant.

This story is developing and has been updated.