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Irish judge feared girl would commit suicide

DUBLIN, Ireland (CNS) — Irish Chief Justice Thomas Finlay said he lifted a ban preventing a 14-year-old rape victim from flying to Britain for an abortion because he feared she would kill herself.

The five judges of the Supreme Court announced Feb. 26 — the third day of a closed hearing on the issue — they had decided that a High Court order banning the child from traveling to Britain for the abortion in Britain should be lifted. They said the rationale for their decision in the case would be spelled out later.

Finlay told a packed courtroom March 5 that "there is a real and substantial risk to the life of the mother which can only be avoided by the termination of the pregnancy."

The chief justice said that under the republic's constitutional ban on abortion, a balance had to be struck between the mother's right to life and the right to life of the unborn child.

He added that "the proper test is if it is established as a matter of probability that there is a real and substantial risk to the life of the mother as distinct from her health which can only be avoided by termination, then such termination is permissible."

Finlay said he accepted evidence given by a psychologist that the girl had threatened to commit suicide by throwing herself under a train and also down the stairs.

"It is almost impossible to prevent self-destruction if she were to decide to carry out suicide," he added.

The chief justice said his views on

the case are shared by a majority of the four other judges on the bench.

Justice Niall McCarthy said, "The failure of the legislature to enact appropriate legislation is no longer just unfortunate. It is inexcusable."

"The amendment born of public disquiet and historically divisive of our people remains bare of legislative direction," he said.

In a statement following the Feb. 26 Supreme Court announcement, the Dublin-based Catholic Press and Information Office said that it could only "be a matter of satisfaction to all concerned that the legal issues in this case have been resolved with the minimum of delay."

However, "it remains the concern of the Catholic Church that ... whatever the circumstances, innocent new life should not be made to pay the penalty of death for the crime of another."

Finlay said the lawyers for the girl had also appealed against the earlier decision by arguing that she should be allowed to travel under a European Community law.

He said it was unnecessary for the court to reach a conclusion on the girl's right to travel because the overriding issue was the threat to her life.

According to an opinion poll taken in late February, about two-thirds of the Irish electorate favor altering or removing the wording of a 1983 constitutional amendment banning abortion.

About 30 percent of those questioned said they felt that the constitutional ban on abortion should remain in its current form.



AP/Wide World Photos
FATHER MOURNED — Ufuk Nazman holds his father's portrait as he is consoled by his uncle before a funeral service in Kozlu, Turkey, March 5. Ufuk's father was killed along with 121 other coal miners during a gas explosion in Kozlu March 3.

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