

US judge blocks Missouri eight-week abortion ban

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Only one clinic in Missouri performs abortions

A US federal judge has temporarily blocked Missouri from enforcing a law banning nearly all abortions in the state after eight weeks of pregnancy.

The law was set to take effect on Wednesday.

It would ban abortions after eight weeks except in cases of medical emergency.

US District Judge Howard Sachs said it was not to be enforced, "pending litigation or further order of the court".

The decision to block the law's enforcement followed a legal challenge by Planned Parenthood and the American Civil Liberties Union. They sued Missouri last month, arguing that the law was unconstitutional and went against the Supreme Court's landmark 1973 Roe v Wade ruling, which legalised abortion nationwide.

A number of US states have introduced or proposed restrictive abortion regulations this year in an effort to challenge the ruling.

- **What's going on with US abortion rights?**
- **US abortion debate: Both sides speak**
- **How US abortion debate got to this point**

"While federal courts should generally be very cautious before delaying the effect of State laws, the sense of caution may be mitigated when the legislation seems designed, as here, as a protest against Supreme Court decisions," Mr Sachs wrote in his opinion on Tuesday.

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A portion of the legislation prohibiting abortions based solely on race, sex or a diagnosis indicating the potential for Down syndrome was permitted to take effect.

Planned Parenthood said it would continue fighting to oppose that section of the law, too. "Every reason to have an abortion is a valid reason," Dr Colleen McNicholas, a chief medical officer with the organisation, said.

Attorneys for the state can now appeal against the ruling.

A spokesman for Missouri Attorney General Eric Schmitt said his office was reviewing the ruling before deciding what steps to take next.

What does the legislation say?

The law, dubbed Missouri Stands With The Unborn, would outlaw performing an abortion in nearly all cases.

Exemptions would be made for medical emergencies, but not pregnancies caused by rape or incest.

Doctors who performed abortions more than eight weeks into pregnancy would face five to 15 years in prison.

A woman who had an abortion would not be held criminally liable.

Republican Governor Mike Parson said it would allow Missouri to become "one of the strongest pro-life states in the country".

What is the background?

Abortion is one of the most divisive political issues in the US.



Media caption

The US abortion battle explained in three minutes

Missouri already has some of the nation's most restrictive regulations, with just one clinic in the state currently performing abortions.

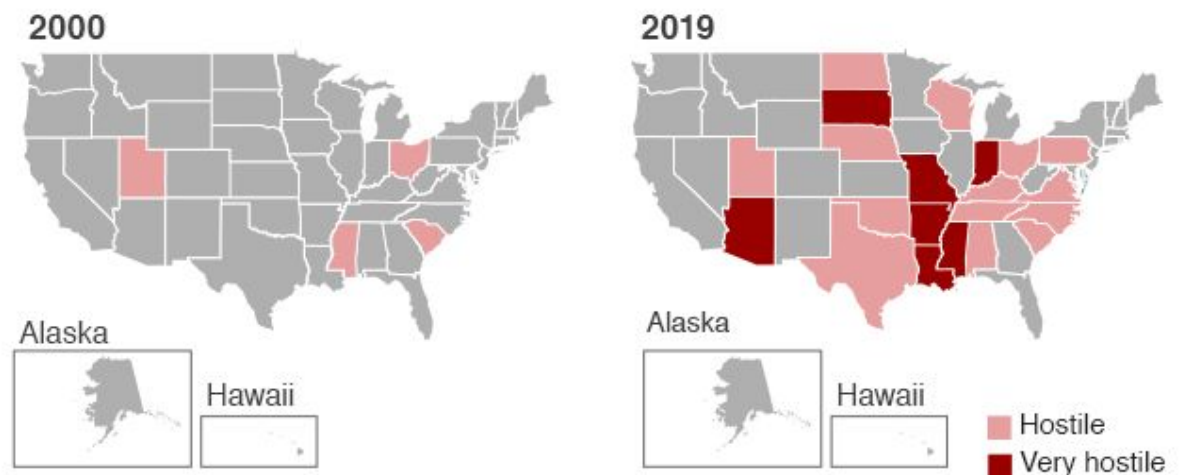
A judge in May **temporarily blocked Missouri from becoming the first US state not to have an abortion clinic in nearly half a century.**

Why is this happening now?

The Missouri bill was approved amid a nationwide push for new restrictions by opponents of abortions.

The US states tightening laws on abortions

In 2019, 21 states are “hostile” or “very hostile” towards abortion rights



*Alaska and Hawaii not to scale

Source: Guttmacher Institute, as of 15 May 2019

BBC

They have been emboldened by the addition of two conservative justices nominated by President Donald Trump, Neil Gorsuch and Brett Kavanaugh, who give the nine-member court a conservative majority.

Their aim, they say, is for the landmark 1973 Roe v Wade ruling to be undermined or overturned completely.

美國聯邦法官阻擋密蘇里州婦女懷孕達八週即不得墮胎的法令

一位美國聯邦法官暫時阻擋密蘇里州執行剛通過的一項法令，禁止婦女在懷孕達八週後墮胎。

這項法令預定在週三開始生效。

法令禁止婦女在懷孕達八週後，除非有醫療上的緊急需求，否則不得墮胎。

聯邦地區法院法官 霍華德薩克斯說暫緩執行，等“訴訟結果，或是法院命令，再做決定”。

這項暫緩執行的決定，是由於計劃家庭暨美國公民權利聯盟針對這項反墮胎法令提出法律挑戰後發生的。聯盟上月對於密蘇里州提訟，說該項反墮胎法違憲，而且違反最高法院在1973年 Roe v Wade 案的裁決，該裁決允許合法墮胎。

美國有幾州在今年，或是已經立法，或是提案要限制墮胎，就是針對上述最高法院的裁決而來。

薩克斯法官在星期二發出的意見書中說“聯邦法院是應該在對暫緩州法令實施的事件上採取極度謹慎的態度，但是，該項州法令的設定似乎是直接針對最高法院的裁決而來，我因此必須摒棄謹慎”。

密蘇里州的這項禁止墮胎法令中，不允許懷孕婦女僅根據種族，性別而墮胎，但是診斷出胎兒有唐氏症的可能性時則可做。

計劃家庭聯盟說他們會持續針對上述的限制墮胎法抗爭，該聯盟的主任醫師，科林 麥克尼卡拉斯醫師說“任何要墮胎的理由應該都是有效的理由”

代表密蘇里州的律師可對暫緩實施的裁定提出上訴。

密蘇里州檢查總長辦公室的一位發言人艾利克 施密特說他們會對該項暫緩裁定研究，然後決定如何執行下一步。

密蘇里州禁止墮胎的法令的內容

這項法令，通稱“密蘇里州和未出生的生命並肩而站”，幾乎讓每項墮胎行為都是違法的。

例外只允許在醫療上的緊急需要。但是強姦，亂倫而導致的懷孕仍不得墮胎。

醫師對懷孕達八週的婦女做墮胎手術，將面臨5到15年的牢獄之災。

接受墮胎的女性不負刑事責任。

共和黨籍州長麥克 帕森說這項法令會讓密蘇里州“成為美國強烈尊重生命幾個州中的一州”。

有關這項法令的背景

密蘇里州已經是美國限制墮胎中最嚴格的幾州之一，目前全州中，只有一家診所執行墮胎手術。

一位法官在今年五月暫時阻擋密蘇里州撤銷這家執行墮胎手術的診所的許可，否則密蘇里州會成為半世紀以來，第一個完全沒有墮胎診所的州。

為何現在會發生這件事

密蘇里州透過的反墮胎法案這件事，是美國國內興起的反對墮胎運動風潮中的一項。

反墮胎人士振奮興起的原因是因為川普總統提名兩位最高法院大法官尼爾·麥吉爾·戈蘇奇和布雷特·卡瓦諾，這兩位都是反墮胎的保守人士，讓保守派在總數9名大法官中佔了多數。

他們說他們的目標是讓歷史性的 1973 Roe v Wade 法院裁決被削弱，或是完全被推翻。