

**Mr Colm Gildernew**  
Chairperson  
Committee for Health  
*By email*

7 May 2021

## Severe Fetal Impairment Abortion (Amendment) Bill

**Dear Mr Gildernew**

The BMA (British Medical Association) is a professional association and trade union representing and negotiating on behalf of all doctors and medical students in the UK. It is a leading voice advocating for outstanding health care and a healthy population. It is an association providing members with excellent individual services and support throughout their lives.

Thank you for providing the opportunity to comment on The Severe Fetal Impairment Abortion (Amendment) Bill. We welcomed the introduction of the Abortion (Northern Ireland) (No. 2) Regulations 2020 last year. The legal framework implements the recommendations of the UN Committee on the Elimination of Discrimination against Women and provides vital clarity for doctors on the grounds for a lawful termination, while also allowing for a right to conscientious objection.

However, as the BMA Medical Ethics Committee chair, I am concerned that removing severe fetal impairment as grounds for an abortion, as proposed in this Bill, would compromise that legal clarity for doctors, putting our members at risk of unjustified complaint and criticism, and constitute a retrograde step for women's reproductive health.

Making a distinction between fatal fetal abnormality, where abortion is permitted, and severe fetal abnormality, where it is not, may appear straightforward on paper but does not reflect the reality of clinical practice and evidence. It is often not possible to say for certain whether an abnormality will be fatal, or, if survival is possible, whether death is likely to occur within a timeframe that would be considered 'shortly after birth'. Removing the grounds for abortion because of severe fetal impairment risks creating uncertainty for doctors and could hinder patient care in these circumstances. This, combined with the threat of criminal conviction and professional sanctions, could have a chilling effect on the ability of doctors to make clinically indicated decisions in conjunction with their patients.

Whenever a serious fetal abnormality is diagnosed, women and their partners require sufficient time to digest information about the implications of the result and the options open to them, as well as to access specialised, non-directive counselling and support. If this Bill is passed, unless other grounds for an

**Chief executive officer:** Tom Grinyer



abortion are met, those families would need to travel to Great Britain, if they take the decision to terminate their pregnancy.

This Bill will potentially restrict doctors' ability to carry out their fundamental duty: to make the care of their patient their primary concern. Amending the regulations as intended would inhibit doctors and the multidisciplinary team in their ability to provide appropriate, person-centred care to their patients.

The Abortion Regulations 2020 marked an important step forward for the provision of abortion in Northern Ireland. Once aligned with fully commissioned services, they will help to protect the health, safety and human rights of women and girls and provide clinicians with legal certainty when caring for their patients. It would be deeply regrettable and of serious concern if the proposed Bill is enacted and weakens these protections before the benefits of the new legislation can be fully realised.

Yours faithfully

A handwritten signature in black ink, appearing to read 'John Chisholm', with a horizontal line underneath.

**Dr John Chisholm CBE**  
BMA Medical Ethics Committee chair