

## **The Severe Fetal Impairment Abortion (Amendment) Bill**

Call for Evidence

### **Submission to the NI Health Committee on their consideration of the Severe Fetal Impairment Abortion (Amendment) Bill.**

The Northern Ireland Abortion Regulations laid in 2020, introduced in law prenatal disability discrimination to Northern Ireland.

I am making this submission to the Health Committee in support of the Severe Fetal Impairment Abortion (Amendment) Bill and its objective to amend the law on abortion, in the case of non-fatal fetal disability.

I stand with the majority of MLA's who have expressed their support for equality in law for able-bodied and disabled children and with the majority of the population of Northern Ireland who oppose prenatal disability discrimination, enabled by abortion for disability up to birth.

<https://www.newsletter.co.uk/health/abortion-poll-finds-majority-ni-opposes-new-law-termination-disabled-babies-2883994>

I also stand with local and national court rulings that found against a human rights argument for abortion in cases of disability and supported legal protections for preborn disabled babies.

In the UK Supreme Court judgement 2018, Lord Mance stated, *"in principle a disabled child should be treated as having exactly the same worth in human terms as a non-disabled child... This is also the consistent theme of the United Nations Committee on the Rights of Persons with Disabilities, expressing concerns about the stigmatising of persons with disabilities as living a life of less value than that of others, and about the termination of pregnancy at any stage on the basis of foetal abnormality, and recommending States to amend their abortion laws accordingly."*

Lord Mance referenced the ruling of the Belfast Court; *"Horner J accepted that the protection of the unborn child was a legitimate aim so long as the foetus was viable. Even if there was a prospect that the child would suffer disability after birth, it was still a legitimate aim to afford him or her protection."*

Lord Mance also quoted the CEDAW Committee's position that *"In cases of severe foetal impairment, the (CEDAW) Committee aligns itself with the Committee on the Rights of Persons with Disabilities in the condemnation of sex-selective and disability-selective abortions, both stemming from the need to combat negative stereotypes and prejudices towards women and persons with disabilities."*

<https://www.supremecourt.uk/cases/docs/uksc-2017-0131-judgment.pdf>

Against the expressed wishes of the people of Northern Ireland and their political representatives, and contrary to court rulings, Westminster has chosen to impose prenatal disability discrimination onto Northern Ireland.

Yet, the Minister for Northern Ireland, Robin Walker has made clear that our Northern Ireland Assembly can amend the regulations, *"subject to the usual Assembly and other procedures, including compliance with the European convention on human rights."*

<https://hansard.parliament.uk/commons/2020-06-04/debates/6919CB43-4007-4B85-889B-79B1D216295D/AbortionRegulationsNorthernIreland>

And the government has acknowledged in s7.7 of the explanatory memorandum to the Abortion (Northern Ireland) Regulations 2021 that the recommendations in paragraphs 85 and 86 of the CEDAW Report *“are not binding and do not constitute international obligations.”*

[https://www.legislation.gov.uk/uksi/2021/365/pdfs/uksem\\_20210365\\_en.pdf](https://www.legislation.gov.uk/uksi/2021/365/pdfs/uksem_20210365_en.pdf)

The NI abortion regulations can, and I believe should, be amended. They look back in time to Great Britain’s own 1967 Abortion Act and in their approach towards disabilities are built upon legislation that predates modern protections from discrimination. Through medical advancements and social awareness campaigns, attitudes towards disability have changed profoundly in the past 30 years. These changes are strengthened by and reflected in the legislation that has been passed in this area: the Disability Discrimination Act 1995; the Northern Ireland Act 1998 and the Disability Discrimination (Northern Ireland) Order 2006 all aim to advance equality and introduce legal provisions against disability discrimination in Northern Ireland. These laws reflect the fact that every person, regardless of ability, is of value and worth.

However, the UK government is one of those who continues to face criticism from the UN for its abortion practices. *“Legislative frameworks that extend the time frame for a lawful abortion or, exceptionally, permit abortion in the presence of fetal impairment aggravate” and “reinforce and socially validate the message that persons with disabilities ought not to have been born”.*

[https://www.un.org/ga/search/view\\_doc.asp?symbol=A/HRC/43/41&Lang=E](https://www.un.org/ga/search/view_doc.asp?symbol=A/HRC/43/41&Lang=E)

NI’s abortion regulations are framed upon a (non-binding) CEDAW Committee report that confusingly condemns abortion for disability, yet also recommends it be implemented, *“without perpetuating stereotypes towards persons with disabilities and ensuring appropriate and ongoing support, social and financial, for women who decide to carry such pregnancies to term.”*

How is it possible for a law that permits prenatal discrimination, to also protect against the stigma and stereotypes it propagates?

The NI Abortion Regulations Section 7, singles out disabled babies, permitting abortion for reasons of their disability (not for the mother’s health) and removes the (able-bodied) time limit of viability (24 weeks) permitting abortion right up to birth.

25-year-old disability campaigner, Heidi Crowter, has written to the Party Leaders at Stormont, and has appeared before this Health Committee. She is asking you to take the lead and do everything you can to oppose abortion on the basis of disability up until birth. She has said: *“Please do not let a law come into practice which will end lives on the basis of disability and stop people like me coming into the world.”* Heidi has described the extreme legislation as *“hurtful and offensive”*, and is urging Stormont to reject it because, *“My life has as much value as anyone else’s... please don’t vote for more discrimination against people like me”.*

<https://www.belfasttelegraph.co.uk/news/northern-ireland/downs-syndrome-campaigner-urges-stormont-to-reject-hurtful-abortion-laws-39185076.html>

There is an undeniable link between prenatal and postnatal disability discrimination.

This discrimination is experienced prenatally by the mothers who are pressured to terminate their pregnancy, and after birth face daily struggles for care and support services, including therapies that will improve their family's wellbeing.

A report by a number of leading Down's syndrome charities found that 69 per cent of pregnant women who were given a diagnostic test result indicating their baby had Down's syndrome were offered a termination in the same conversation. The report also found that where parents had received a diagnosis of Down's syndrome in their unborn child and stated that they wished to continue with the pregnancy, 46 per cent had termination mentioned again. <https://www.downsyndromeuk.co.uk/flipbook.html>.

One mother, [REDACTED], relays in a BBC news article that she was offered a termination 15 times during her pregnancy despite making it clear she did not want one. <https://www.bbc.co.uk/news/uk-england-beds-bucks-herts-51658631>

Official abortion statistics for England and Wales show that 90 per cent of babies diagnosed in the womb with Down Syndrome are terminated. [http://www.binocar.org/content/annrep2013\\_FINAL.pdf](http://www.binocar.org/content/annrep2013_FINAL.pdf)

The UK government has spent millions on screening out disabilities yet, for example only £5.33 is spent per person per annum, on research that could improve the lives of people living with Down syndrome.

[PRESS RELEASE: NEW REPORT CALLS FOR CHANGES TO END DOWN'S SYNDROME DISCRIMINATION - Don't Screen Us Out \(dontscreenusout.org\)](#)

Babies with correctible disabilities such as cleft palate and club foot are aborted every year with their disability cited as the principal condition for their termination. While the DoHSC are reluctant to release data on club foot, data reported by Eurocat showed that 205 babies with club foot were aborted in England and Wales between 2006 and 2010.

<https://www.dailymail.co.uk/news/article-2272783/Dozens-abortions-carried-foetuses-minor-imperfections-cleft-lip-club-foot.html>.

Laws shape culture.

In Great Britain 30 years of discriminatory and regressive abortion laws have tragically led to the development of a eugenic culture within the medical profession and wider society. In Northern Ireland we can and must do better. We can lead the way across these islands in protecting babies and families pre-birth and enabling them post-birth.

I urge you to support The Severe Fetal Impairment Abortion (Amendment) Bill because it recognises equally the humanity of the unborn disabled baby. This Bill will, in upholding the rights of the unborn with disabilities, reinforce the understanding that every disabled person born and unborn in Northern Ireland deserves equality and respect.