

The Committee for Health received 8,972 submissions from individuals that contained some, all, or a variation of the following wording that was accessed via the Right to Life UK website:

I am making this submission to the Committee in support of the Severe Fetal Impairment Abortion (Amendment) Bill.

In this submission I have outlined the key reasons why there urgently needs to be a change in the law as proposed by the Severe Fetal Impairment Abortion (Amendment) Bill.

The Northern Ireland Assembly made it clear that it opposed a law change that would single out people with non-fatal disabilities

- Following Heidi's call for Stormont to do everything it could to oppose abortion on the basis of disability up until birth, the Northern Ireland Assembly passed a motion opposing the extreme regulations that have been imposed on the province by the UK Government.

(<https://righttolife.org.uk/news/northern-ireland-assembly-votes-to-reject-westminster-imposed-abortion-regulations/>)

- Across the two votes held, 75 out of 90 MLAs voted against the provisions in the regulations allowing abortion for non-fatal disabilities (<http://bit.ly/NIVotes>)

- Sadly, the UK Government ignored the vote in the Northern Ireland Assembly and went ahead with imposing a new regime that effectively introduced abortion up to birth for babies with disabilities including Down's syndrome, cleft lip and club foot.

Similar legislation in England, Wales and Scotland has resulted in people with disabilities being unjustly and disproportionately targeted

- The latest available figures show that 90% of children diagnosed with Down's syndrome before birth are aborted in England and Wales (http://www.binocar.org/content/annrep2013_FINAL.pdf).

- In 2019 alone, 3,183 babies with disabilities were aborted in England and Wales

(https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/891405/abortion-statistics-commentary-2019.pdf).

- A recent Freedom of Information request has revealed that 710 late-term abortions (between 20 weeks and birth) for Down's syndrome have taken place in England and Wales over 10 years (2009-2018) (<https://www.belfasttelegraph.co.uk/news/northern-ireland/mum-of-downs-syndrome-belfast-boy-urges-pm-not-to-allow-abortions-over-condition-38915432.html>).

- The BBC's Victoria Derbyshire Show recently reported that a mother expecting a child with Down's syndrome was offered an abortion at 38 weeks' gestation (<https://www.bbc.com/news/uk-51612884>).

There was strong opposition from disability advocates to the introduction of these regulations and this opposition has been totally ignored

- Ahead of the regime coming into effect, 2,000 people with Down's syndrome and their families signed a letter to Prime Minister Boris Johnson asking him not to introduce abortion up to birth for Down's syndrome to Northern Ireland. (<https://dontscreenusout.org/press-release-2000-people-with-downs-syndrome-and-families-call-on-govt-not-to-introduce-abortion-up-to-birth-for-downs-syndrome-to-ni-as-case-is-taken-against-govt-for-similar-la/>)

- 25-year-old disability campaigner, Heidi Crowter, joined the Down's syndrome community in speaking out against the proposal of the British Government to impose abortion up to birth on Northern Ireland in cases of disabilities like Heidi's own, Down's syndrome.

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

- Heidi wrote to the Party Leaders at Stormont, asking them to take the lead and do everything they could to oppose abortion on the basis of disability up until birth. She 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 described the extreme legislation as "hurtful and offensive", and urged Stormont to reject it as "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>)

- George McCullagh, a man believed to be Northern Ireland's oldest person with Down's syndrome, also threw his support behind Heidi's calls. (<https://righttolife.org.uk/news/northern-irelands-oldest-man-with-downs-syndrome-throws-support-behind-pro-life-motion>)

The current abortion regulations will have a negative impact on women who are pregnant with an unborn baby who has a disability:

- In Scotland, England and Wales, parents of children with disabilities such as Down's syndrome have spoken out about the stigma and stereotypes that the equivalent law in those parts of the UK perpetuates along with the impact that this has on medical treatment that they have received while pregnant and beyond.

- A report by a number of leading Down's syndrome charities found that 69% of pregnant women who were given diagnostic test result indicating their baby had Down's syndrome were offered a termination in the same conversation (<https://www.downsyndromeuk.co.uk/flipbook.html>). One woman reports being told, "Sorry, it's bad news, baby does have Down syndrome; I've booked you in for a termination on Thursday at 10," another woman says her doctor felt she was selfish not to terminate. 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% had termination mentioned again. One mother, Emma Mellor, 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>).

- These negative impacts do not end at birth: after a postnatal diagnosis, in those early moments where parents should be surrounded by support and encouragement, one family described being given a leaflet which included "What to do if you don't want your baby"; another woman describes being asked at a hospital appointment why she had not terminated her daughter who, by this stage, was three years old. (<https://twitter.com/rachelmewes1982/status/1367052135418986497>).

Evidence from England and Wales, where similar legislation is in place, has shown the impact for conditions such as cleft lip and club foot

- Official abortion statistics for England and Wales show that abortions are happening on the grounds that a baby has one of these conditions.

- 75 babies with either cleft lip or cleft palate as their principal condition were aborted between 2011 and 2018.

- 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-abortion-carried-foetuses-minor-imperfections-cleft-lip-club-foot.html>).

- All of these conditions can be corrected - cleft lip, cleft palate and club foot can all be corrected by surgery, and corrective therapy for club foot is successful for the vast majority of patients.

- There is no shortage of testimonials on individuals who have been diagnosed with cleft lip, cleft palate or club foot and were not held back; for example: Joaquin Phoenix, actor; Steven Gerrard, former Liverpool and England captain and Champions League winner, and Sir Walter Scott, Scottish historic novelist and playwright.

The current abortion regulations undermine 30 years of disability protection and fighting for equality in Northern Ireland

- Attitudes towards disability have changed profoundly in the past 30 years, as 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.

- The experiences of individuals and their families in other parts of the UK, where disability selective abortions have been in place for over thirty years, demonstrate that such stereotypes and inadequacies

in support are inevitable when laws are in place that make a distinction between unborn babies with a disability and those without.

- There is ample evidence that permitting this practice has a harmful impact on the wider community of people with Down's syndrome, including children and adults with Down's syndrome and their families.
- The Severe Fetal Impairment Abortion (Amendment) Bill will help foster equality by upholding the rights of the unborn with disabilities and reinforcing the understanding that every person in Northern Ireland deserves equality and respect.

Similar wording in legislation in England, Wales and Scotland has allowed for abortion for disabilities including cleft lip, club foot and Down's syndrome

- Under regulation 7, paragraph (1)(b)), abortion for disabilities is available through to birth on the grounds that "if the child were born, it would suffer from such physical or mental impairment as to be seriously disabled."

- In England and Wales, legal wording

(<https://www.legislation.gov.uk/ukpga/1967/87/section/1?view=plain>) that has appeared similarly restrictive ("that there is a substantial risk that if the child were born it would suffer from such physical or mental abnormalities as to be seriously handicapped") has in practice legalised abortion for disabilities including Down's syndrome, cleft lip and club foot.

- When the British Government announced the new abortion regulations for Northern Ireland, they made it clear that their aim was to have abortion available up to birth for disabilities under the same grounds that provide abortion up to birth for disabilities in England: "This decision has also been made on the basis that it mirrors provision of services in England, Scotland and Wales, where abortion for SFI and FFA is available without time limit"

(https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/875380/FINAL_Government_response_-_Northern_Ireland_abortion_framework.pdf).

The current abortion regulations are discriminatory and this Bill aims to combat this disability discrimination

- Regulation 7 is the only provision in the regulations that allows abortion on the basis of a characteristic of the unborn baby; in this case the baby is singled out in the regulations for having a disability.
- This provision also allows abortion up to birth for babies with a suspected or diagnosed disability, whereas babies who do not have a disability are protected from the 24th week of pregnancy.
- In the Supreme Court, Lord Mance said (<https://www.supremecourt.uk/cases/docs/uksc-2017-0131-judgment.pdf>) "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 was referring to paragraphs 12 and 13 of the UN Committee on the Rights of Persons with Disabilities in its 2017 report on Great Britain and Northern Ireland (<https://undocs.org/en/CRPD/C/GBR/CO/1>).

The current abortion regulations will have a significant negative impact on people with disabilities because they directly perpetuate stereotypes towards people with disabilities:

- Disability campaigner Heidi Crowter has spoken publicly about the impact of the current law saying, “the law makes me feel like I should not exist.” (<https://uk.news.yahoo.com/disability-rights-activist-urges-mps-103851550.html>)

- Dr Elizabeth Corcoran of the Down’s Syndrome Research Foundation says (https%3A%2F%2Fuk.news.yahoo.com%2Fdisability-rights-activist-urges-mps-103851550.html%3Fguce_referrer%3DaHR0cHM6Ly93d3cuYmluZy5jb20v%26gucere_referrer_sig%3DAQA AAAaVNgW85UCdySdXlmuM2sz5Dp3JqVliAZ20uUJbitHBUI4nfaL9Xi4PA6t4bGbZJf6hepYgXcdha1g7E5YnSQfZm44QPz3FdbZEgB2Lf72L21TqERQQH2K8iFF2Ulby41Ya2p_kR48w80YI2MizlkWOZtXPIYVV9Y4NliaUKFz4%26gucounter%3D2), “Research into the health issues affecting people with Down syndrome has been hampered and blocked by the ingrained belief that the only way to help the Down syndrome community is to reduce their numbers. Millions [of pounds] in funding has been poured into running and refining the screening [process] whilst only £5.33 per person per year is spent on research that could improve the lives of people with Down syndrome.”