

Westminster moves to outlaw abortion over disability could open new debate

Question of ethics may land in lap of MSPs, says **Madeleine Kearns**

In May last year, Lord Shinkwin introduced his Abortion (Disability Equality) Bill, which is due to be discussed very soon at the committee stage. This seeks to abolish abortion on the grounds of disability.

In the UK, discrimination on the grounds of disability is unlawful under the Equality Act 2010. But, according to Lord Shinkwin, discrimination against disabled people is still widespread, is even "enshrined in law" and has become "normalised".

Between 2005 and 2015, there was a 68 per cent increase in abortions on the grounds of disability in the UK and from 1995 to 2005, a 143 per cent increase in terminations for Down Syndrome specifically. Lord

Shinkwin, who is disabled himself, has called this "a stark anomaly" and "an inconsistency in the law". His Bill seeks to abolish the section of the Abortion Act 1967 which cites as a reason for termination "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".

Since his Bill is intended to be 'moderate' and 'reasonable', it has gained support from a number of other Lords. For example, the Lord Bishop of Bristol emphasised that the Bill's focus "is the principle of disability equality, not some underhand attempt to limit women's access to abortion".

Legal advisor Hugh Preston QC stated that, in practice, women who want

an abortion prior to 24 weeks on the grounds of risk to physical or mental health would still be able to have one under the other provisions of the Act. The Bill is concerned with the principle of equality and preventing negative stereotyping of disabled people.

In the Bill's second reading in October last year, Lord Shinkwin argued that the rising number of abortions eliminating disabled people was "deeply offensive" and "alarming". He alluded to the so-called "progressive" movements of the 20th century and failed to see "how such eugenics can somehow be in any way less abhorrent 80 years later".

In this regard, eugenic procedures can be defined as strategies or decisions aimed at affecting, in a manner which is considered to be

positive, the genetic heritage of a child, a community or humanity.

In the course of his speech, Lord Shinkwin spoke of "the eugenic screening programme of our Department of Health". As of 2018, the NHS will introduce a new non-invasive pre-natal blood test which can predict Down Syndrome, and other genetic disorders with 99 per cent accuracy. This is expected to lead to more abortions on the grounds of disability.

A common concern in the debates was the treatment of families of disabled people who resist societal pressure to abort. Scottish composer, Sir James MacMillan's granddaughter, Sara, suffered from very serious congenital human brain malformations. She died in her sleep at the age

of six in January 2016. In Sara's eulogy, Sir James said: "Our society doesn't know what to make of children like Sara any more. There are some very important, powerful, professional, 'caring' people who made it clear that they thought Sara should not exist - that the compassionate response to her significant disabilities would be to stop her living, for her mother to say 'no' instead of 'yes' to Sara."

The BBC aired a TV documentary, at the end of 2016, entitled 'A World Without Down Syndrome?' which examined the pressure felt by mothers to terminate disabled children. But the programme was criticised by Jane Fisher, director of the organisation Antenatal Results and Choices, who said the documentary was "not at all helpful" to those

faced with dilemmas following a positive pre-natal diagnosis for foetal disability.

During the debates, Baroness Tonge presented the other side of the argument, stating that "it is untrue and cruel to suggest that women who, in the later stages of pregnancy, undergo abortion because of foetal abnormality, are doing it simply because they want a 'perfect baby' and that they want to discriminate against disabled people."

She listed some of the legitimate concerns mothers can have about raising disabled children, including insufficient state and family support.

However, Lord Shinkwin responded by quoting George Orwell - "either we believe in equality or we do not".

Abortion law is now devolved to the

Scottish Parliament. However, First Minister Nicola Sturgeon said in 2015 that the SNP had no plans to change it. But the discussions in Westminster could open the conversation here.

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