

PRESS RELEASE FOR IMMEDIATE RELEASE

National Down Syndrome Policy Group welcomes new amendment to exclude Down syndrome from late abortion

A move proposed by Sir Liam Fox, MP, former NHS Doctor and GP, to address discriminatory practices associated with Down syndrome, would introduce an upper gestational limit for abortions of fetuses with Down syndrome equal to the upper gestational limit for most other abortions.

National Down Syndrome Policy Group (NDSPG) who worked with Sir Liam Fox MP to create the Down Syndrome Act 2022 wholly welcomes this amendment.

On this occasion Sir Liam Fox has tabled an amendment to the Government's Criminal Justice Bill intended to specifically exclude a diagnosis of Down syndrome as a reason for late abortion.

If successful, this change could mean that pregnant women will not be offered abortions at the later stages of pregnancy on the basis that the baby has Down syndrome.

Current legislation generally restricts abortion after 24 weeks gestation unless the baby has a disability such as Down syndrome or another congenital condition in which case abortion is legal up to birth.

Pregnancy screening typically takes place well before 24 weeks gestation yet some women who find out during pregnancy screening that their baby will have Down syndrome and who choose to continue with their pregnancy report that they are offered abortion until the point that their baby is due to be born.

Heidi Crowter is a founding member of the National Down Syndrome Policy Group who has Down syndrome. In 2020 she took the UK Government to court in a challenge to the law allowing abortion for disability stating that the law is discriminatory and undermines the value of people with Down syndrome's lives. A judge ruled against her case stating that it was for the lawmakers to decide, not the judiciary.

Life expectancy, health outcomes and social progress for people with Down syndrome has increased dramatically over the last 50 years. However Down syndrome has been considered as one of the cases eligible for late abortion offers since 1990 when UK abortion law was amended to allow abortion up to birth if there is a '*substantial risk*' that the baby would be '*seriously handicapped*.'

BACKGROUND

Sir Liam Fox's private members' bill introduced to the Westminster Parliament in 2021 led to the establishment of the ground-breaking Down Syndrome Act in April 2022, intended to improve the lives of people living with Down syndrome.

Abortion Act 1967 was amended in 1990 to allow pregnancy to be terminated at any stage where it is deemed 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.*"

According to NHS Inform, most individuals with Down syndrome have mild to moderate learning disabilities.

The National Down Syndrome Policy Group is a UK based charity comprising of officers with and without Down syndrome which was established to raise the profile of the unmet needs of people with Down syndrome.

Rachael Ross MBE of the NDSPG says:

“Most individuals with Down syndrome experience mild to moderate learning disabilities. However, with appropriate support, these individuals can enjoy fulfilling and productive lives, accomplishing more today than ever before. Given the progress in medical science and prenatal screening, it is essential to reconsider outdated and discriminatory laws that permit the termination of pregnancies diagnosed with Down syndrome until birth, based solely on a diagnosis of Down syndrome.”

Heidi Crowter, Down syndrome activist and a founding member of National Down Syndrome Policy Group says:

“I support this amendment in this law that Dr Liam Fox is suggesting because I am a young lady with Down syndrome and I want people with Down syndrome to be shown in a positive light.

I have been fighting for a change to this law for 4 years now because we are now treated equally after birth so we should be treated equally before birth too.

This is so important to me because when I was growing up my parents always treated me the same so it was a shock to me when I found out that we are not treated the same in the womb.

This law was made in 1967 when people with Down syndrome were put in institutions and we couldn't even go to school all because of our extra chromosome. The world has moved on and the law should too.”

Tommy Jessop, author, first actor with Down syndrome on prime-time TV, star of BBC's Line of Duty crime drama and National Down Syndrome Policy Group Ambassador says:

“It really is about time it should be made illegal. At long last we might be treated equally and respectfully. Our lives truly are worth living for.”

Sir Liam Fox, MP, former NHS Doctor and GP says:

“On average, 25 babies with Down syndrome are aborted each year between 24 and 40 weeks. This is an absolute travesty.

“People with Down syndrome are not second-class citizens. Through the Down Syndrome Act 2022, we have already passed landmark legislation with both cross-party and government support. The Act made England the first country in the world to legislate specifically for people with Down syndrome, and the guidelines of the Act are currently being

written to improve the educational, healthcare, and social care provisions for those with Down syndrome.

“The current law around the termination of a pregnancy for a foetus with Down syndrome is contradictory to the aims and values of the Equality Act 2010. Indeed, the Equality Act clearly defines discrimination as when “A person (A) discriminates against another (B) if, because of a protected characteristic, A treats B less favourably than A treats or would treat others.” By definition, under the Abortion Act, a baby with Down syndrome is therefore not given the same chance of life as a baby without Down syndrome.

“During Down Syndrome Awareness Week and ahead of World Down Syndrome Day 2024 on Thursday 21st March, it is only right we equalise the abortion time limits, another step along the way to ensuring full equality for those with Down syndrome with the rest of society.”

ENDS

- For more information, see the National Down Syndrome Policy Group website www.ndspg.org or email contact@ndspg.org
- For interviews contact:
 - Ken Ross OBE & Rachael Ross MBE on 07710 612 807 or email ken.ross@ndspg.org rachael.ross@ndspg.org
- 'In all honesty we were offered 15 terminations'
<https://www.bbc.co.uk/news/uk-england-beds-bucks-herts-51658631>
- 'The idea of antenatal testing “really does scar me for life”': Line of Duty's Tommy Jessop on changing the world for people with Down's syndrome
<https://www.theguardian.com/society/2022/feb/02/its-time-for-us-to-live-our-lives-to-the-full-line-of-dutys-tommy-jessop-on-changing-the-world-for-people-with-downs-syndrome>
- 'Allowing pregnancy terminations up to birth if the foetus has Down's syndrome is discriminatory and stigmatises disabled people'
<https://www.theguardian.com/society/2021/jul/06/downs-syndrome-sajid-javid-court-abortion-law-heidi-crowter>
- 'Historic' moment as support for people with Down's syndrome written into law
<https://www.telegraph.co.uk/news/2022/04/01/downs-syndrome-guidance-given-councils-hospitals-historic-new/>
- NHS Inform [Down's syndrome - Illnesses & conditions | NHS inform](#)