

## **Doctors for Choice UK Position Statement: Abortion for fetal abnormality**

Although the Abortion Act 1967 imposes a general time limit of 24 weeks for most abortions performed in the UK, abortion is permitted at any time throughout pregnancy in specific circumstances, including if there is a risk to the life of the pregnant person and in cases of fetal abnormality. The legal clause under which abortions for fetal abnormality are performed is known as 'Clause E.' This permits an abortion at any pregnancy duration when 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." Less than 2% of all abortions are performed under this clause each year.

Despite advances in antenatal screening and diagnostic tests, many fetal abnormalities are not detected until the '20-week scan' (which is usually carried out at 18-21 weeks in pregnancy), with some serious conditions not being diagnosed until the third trimester.

Within the current legal framework, Doctors for Choice UK are opposed to removal of fetal abnormality as grounds for abortion or any restriction on time-limits for fetal abnormality. We support removal of arbitrary time limits in general, and the full decriminalisation of abortion.

We believe that:

- People do not take the decision to end, what in most cases is a wanted pregnancy, lightly. They make the painful choice to do so after careful consideration of what the diagnosis may mean for their child's quality of life as well as for themselves and their family's future.
- Following the diagnosis of a severe fetal abnormality, women and pregnant people should have rapid access to all relevant, evidence-based information to assist with the decision to continue with the pregnancy or seek an abortion.
- They should be treated in a sensitive and non-judgemental manner and have access to specialist support (including the offer of counselling) whether they decide to continue with the pregnancy or seek an abortion.
- Any time-limit for abortion in the case of serious fetal abnormality would cause additional distress at what is already a difficult time and risk rushed decision-making, which may even lead to some fetuses being aborted when more time, information and support might have resulted in a decision to continue the pregnancy.

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- For conditions not diagnosed until later in pregnancy, or for those who may struggle to decide in time, a 24-week abortion time limit would mean forcing some to continue their pregnancies to term. This may involve other trauma, such as needing to give birth to a child with a condition that is not compatible with life, or the lifelong and far-reaching implications of giving birth to a child with potential significant disability, which can affect the quality of life of women and pregnant people, their existing family and their child.
- Having the choice to decide to have an abortion following a diagnosis of severe or fatal fetal abnormality does not discriminate against people with disabilities.
  - When people decide to have a termination for fetal abnormality, they do not seek to denigrate those living with disabilities but are making the decision for their own reasons, in their individual circumstances.
  - Anti-discriminatory legislation is applicable to born persons, not the fetus in utero, with birth being the starting point of the right to life and other human rights.

Access to abortion for fetal abnormality does not violate the right of a person with a disability to not face discrimination and to have access to the care and resources they need. In 2016 the disabled political journalist Dr Frances Ryan stated that, “Forcing a woman to bring to term a disabled foetus against her will is not the way to support disabled people”, and that “any progress made in disability rights should never be off the back of women’s”.

Although Doctors for Choice UK are against removal of the right to abortion at all pregnancy durations in cases of fetal abnormality, we disagree with arbitrary, legally enforced time limits for abortion in general and ultimately trust women and pregnant people to make decisions about their own lives and bodies. See our other position statements on time limits and decriminalisation for more information.

## Resources

Antenatal Results and Choices (specialist support for those who have received a diagnosis of fetal abnormality) <https://www.arc-uk.org/>