



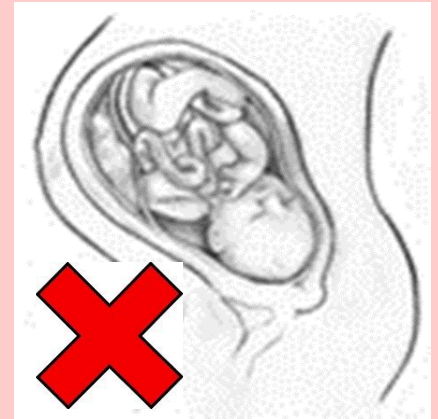
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Heidi Crowter's court case is about disabled and non-disabled unborn babies having the same human right to life.

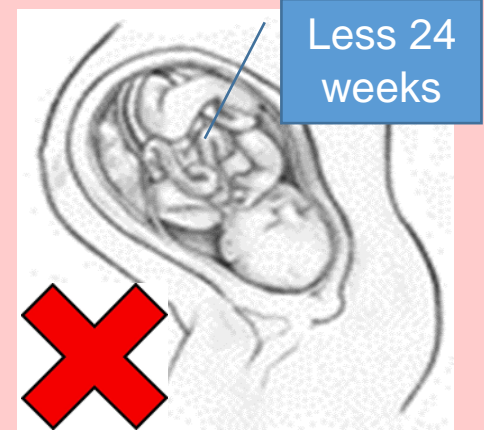
Abortion / Aborted

- Abortion: this means when a pregnancy is ended on purpose so that the baby is not born.



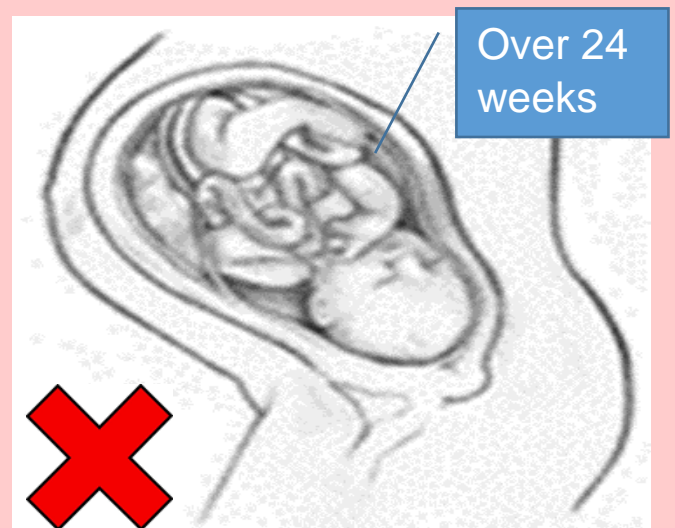
The Abortion Act allows a woman to have an abortion with permission of two doctors in a limited circumstances. An abortion can only take place.

- a) If the pregnancy is less than 24 weeks and there is a risk of stopping injury to the woman's mental or physical health. The impact of pregnancy upon the other children in her family can be considered as well.

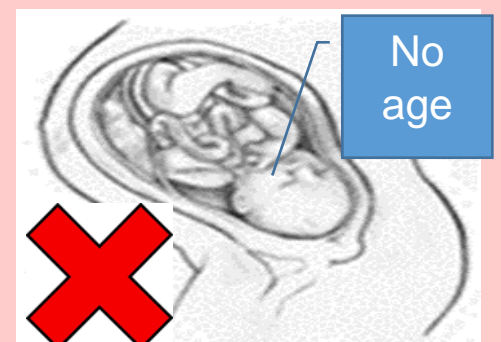


If the pregnancy is over 24 weeks then only the woman's own health can be considered. An abortion can only take place

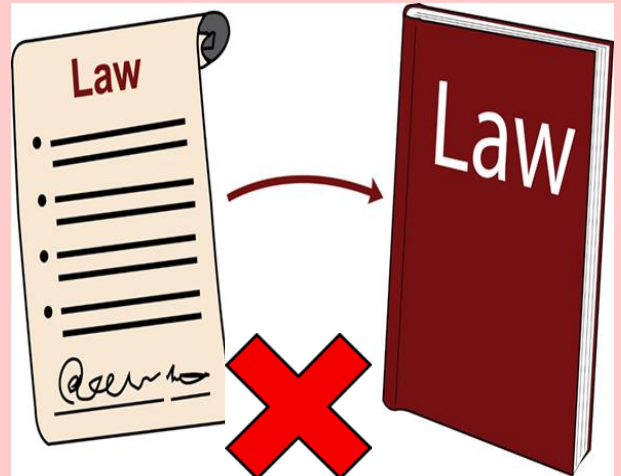
- b) To stop life-long severe injury to the woman's mental or physical health or
- c) If the pregnancy would involve risk to the woman's life or



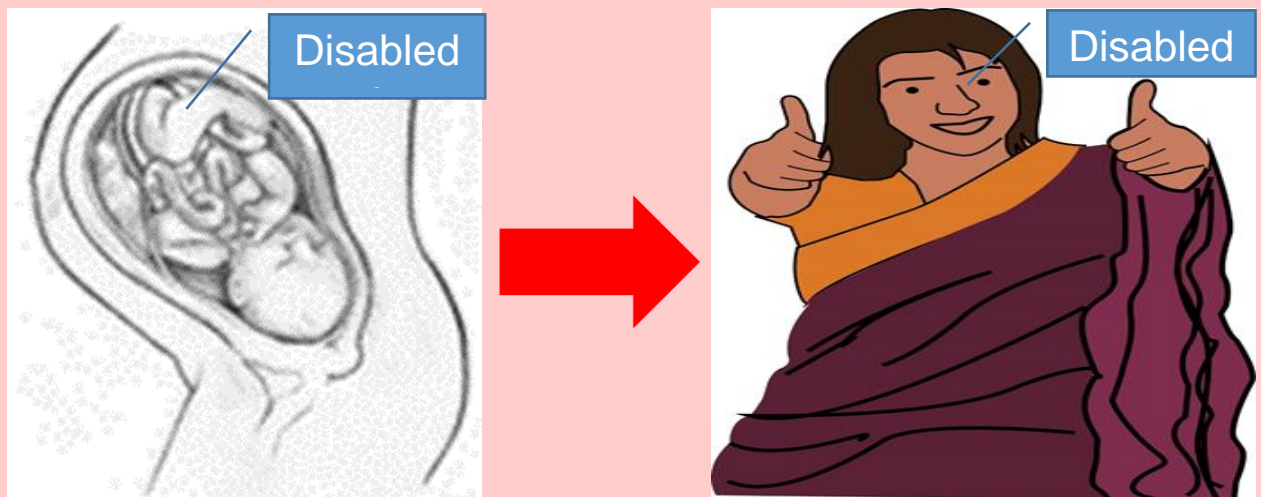
- d) If there is a big risk of the child being born severely disabled.



We will refer Abortion Act 1(d) when mentioning the law specific around the abortion of disabled unborn babies. There is no definition of what is meant by risk and severely disabled. This means that lots of disabled babies without serious disabilities can be aborted.



Heidi is asking the court to say that the Abortion Act 1(d) clashes with disabled peoples human rights to be born and live a good life.



Heidi's lawyers are using disabled peoples human rights to tell the Government that the must change the Abortion Act.

Heidi's lawyers are using three very important treaties, world human rights laws to argue for disabled peoples equal right to life.



European Convention on Human Rights

The European Convention on Human Rights is an agreement by European countries that they will support everyone human rights. The Government must take into account the European Court of human Rights judgements as set out in the Human Rights Act.



United Convention Rights of Persons with Disabilities (UNCRPD)

The UN Convention Rights of Persons with Disabilities – is a world-wide agreement that has been signed and supported by UK Government. The UNCRPD sets out disabled peoples human rights that should be upheld by Government.



United Nation Committee on the Elimination of Discrimination Against Women (UNCEDAW)

The United Nation Committee on the Elimination of Discrimination Against women has been signed and supported by UK Government.

CEDAW sets out women's human rights that should be upheld by Government.



United Nation Convention on the Rights of the Child (UNCRC) Articles 2 and 23

Children should not be discriminated against because of gender, sexuality and sexual lives, race or any other status.

Article 23 Mentally and physically disabled children should enjoy a full and good life in a way that promotes respect, independence and active participation in their community.



Heidi's court case will cover

ECHR Article 1 Government shall uphold everyone's human rights in the ECHR.

There is no legal agreement when human life begins across Europe. Each country will have their own ideas about when human life begins. The lawyers want the judge to agree that a baby that is viable and can feel pain should be legally protected.



ECHR Article 14 Your right not to be discriminated.

Groups of people should not be treated unfairly because who they are, for example if you are disabled, Black, LBGTQIA or any other status. ECHR Article 14 state that both disabled people and pregnant mother of a disabled child should not be discriminated against.



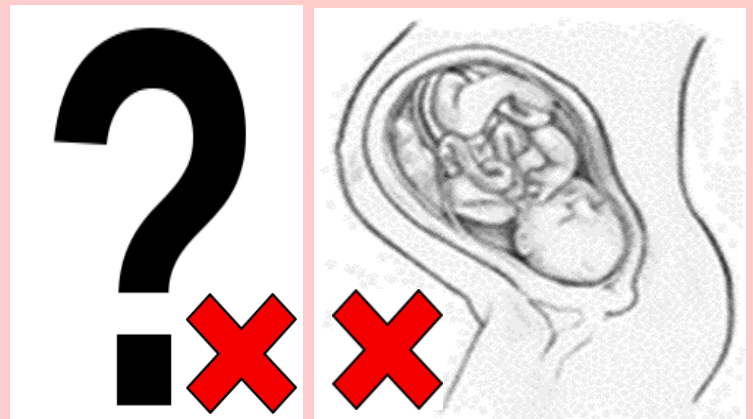
ECHR Article 2 Your Right to Life

Normally, a person's human right to life begins once she or he is born and can live outside the woman's womb. Babies nearly ready to be born (over 36 weeks old) should have strong rights to life.



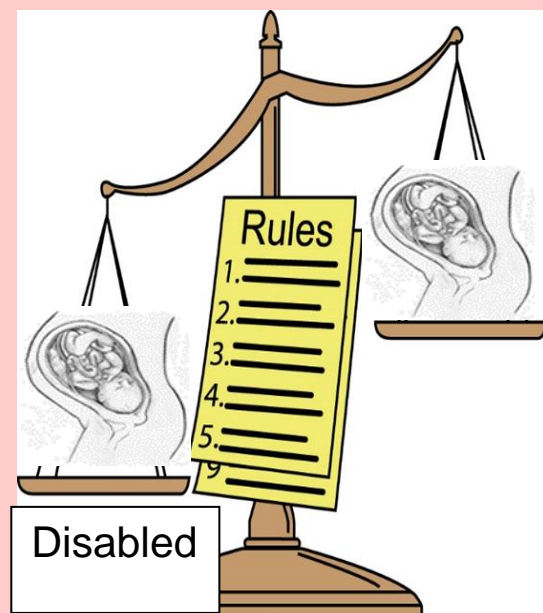
However, the Government upholds some unborn babies' right to life under the Abortion Act. At the moment, non-disabled unborn babies (over 24 weeks) can only be aborted if the woman's health is at risk.

However, there needs to be no reason for why she wants to abort a severely disabled baby.



The Abortion Act gives non-disabled unborn babies some legal protection. The Abortion Act gives disabled unborn babies no right to life under ECHR Article 2. They can be aborted up to birth because they are disabled.

The lawyers will be arguing that disabled unborn babies are being discriminated against under ECHR Article 14 because all unborn babies must have the same rights to life under ECHR Article 2.



ECHR Article 3 Your right not to be tortured or treated in an inhuman way

Doctors think that older unborn babies can feel pain and suffering. Unborn babies with or without pain relief being killed in the womb is inhumane.

The lawyers will be arguing that unborn babies being killed in the womb clashes with unborn babies rights to be treated in a human manner.



Article 8

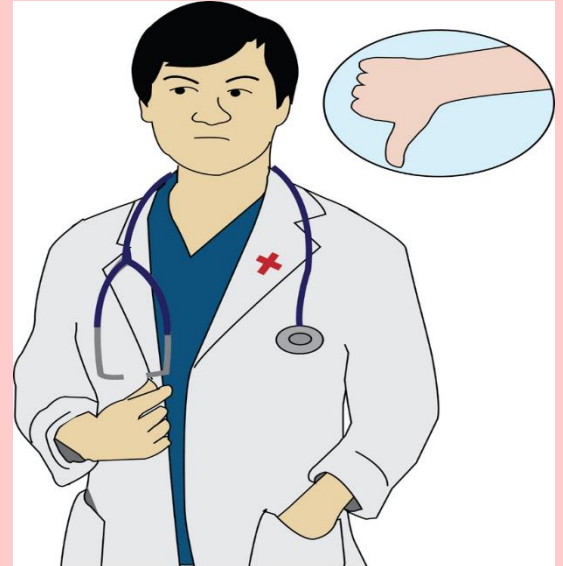
Covers Private life such as who you are (for example gender identification), name and sexuality and sexual life. It also covers the right to identity and personal development and to have relationships with other human beings.



An illustration of a man in an orange shirt shouting into a megaphone. The word 'Yes' is shown in a green starburst, and the word 'No' is shown in a red starburst.

An illustration showing a person with long brown hair, wearing a yellow shirt and dark pants, walking with a white cane. To the right, a large, stylized hand in a suit sleeve reaches out towards the person. A large red 'X' is superimposed over the bottom left corner of the illustration, indicating a warning or prohibition.

The Abortion Act 1(d) allows doctors to use their negative views about disabled people as a group to tell women they should think about having an abortion if the child will be born disabled. This can have a bad impact upon the woman's decision to have a disabled child and a family. Doctors are using very outdated views about severely disabled people. Society's views about disabled people have changed.



Disabled people now have equal rights under the Disability Discrimination Act which is now the Equality Act.

The Disability Rights Commission said that it is disrespectful to allow disability-discrimination in the Abortion Act and that the law is in conflict with valuing disabled and non-disabled lives equally.



Government must justify with a good aim on why they are interfering with someone's family and private life. In this case the Government is interfering with pregnant woman's life as doctors will be involved in making decisions about giving her an abortion. The Government must balance the rights between different groups of people.



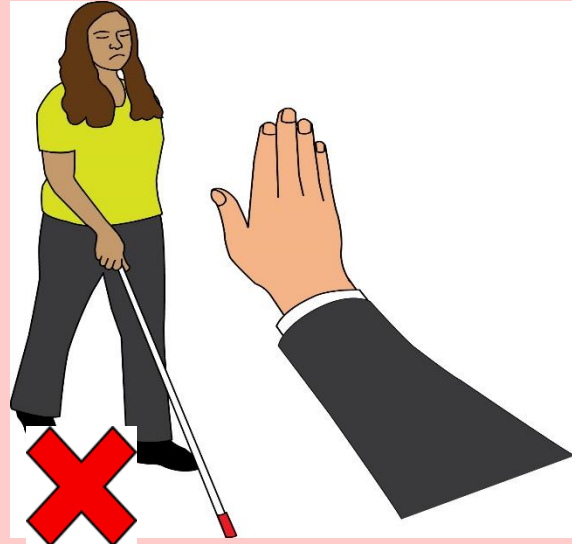
In this case the Government must justify why the abortion law is needed that allows unequal treatment between disabled and non-disabled unborn babies.

Heidi's lawyers do not consider there is adequate or appropriate justification for discriminating against unborn disabled babies.



UNCRPD Article 5 (Equality and non-discrimination)

Disabled people should not be discriminated against on disability grounds.



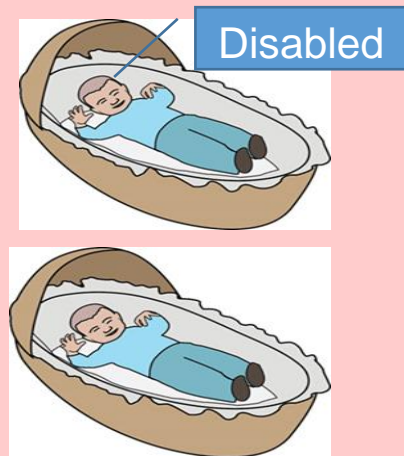
UNCRPD Article 7 (right for children not to be discriminated against on disability grounds)

Disabled children should not be discriminated against on disability grounds.



The Abortion Act 1(d) conflicts with disabled peoples' rights to be treated with respect because disabled unborn babies have fewer rights than non-disabled unborn babies. Also pregnant women of a disabled unborn child should not be discriminated against through being put under pressure to have an abortion.

The UNCRPD Committee said they were concerned about society's value of disabled peoples' lives being seen less worthy than others if the Abortion Act allows for disability-related grounds.

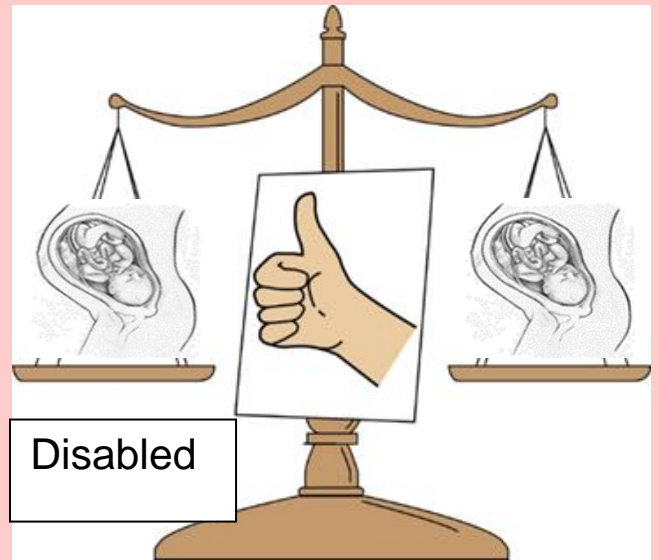
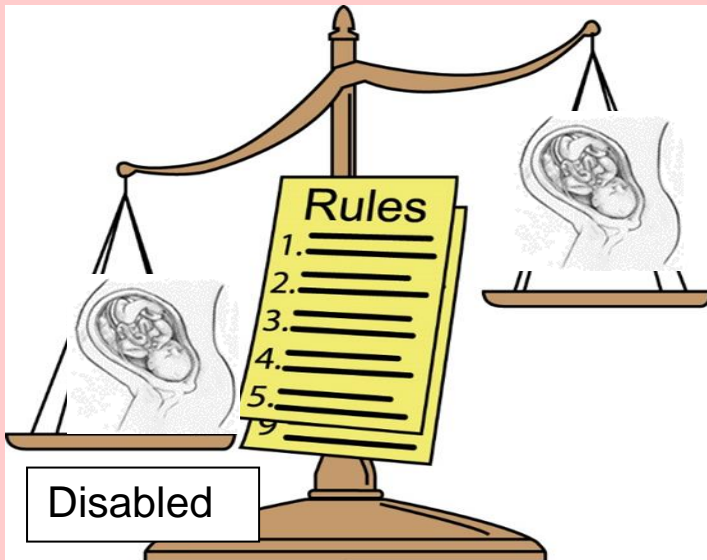


The CEDAW and UNCRPD Committees supports the position of the Abortion Law to respect women's right to an abortion without making disability-related abortions lawful.

The judge is being asked to decide that the Abortion Act 1(d) that allows abortions on the grounds of disability conflict with international law. ECHR Article 2, 3, 8 and 14, UNCRPD Articles 5 and 7 and UNCRC Article 2 and 23.



The Government should consider changing the Abortion Act so that all unborn babies have equal right to life.



By Simone Aspis (Changing Perspectives)

