



## Down's syndrome

# Woman with Down's syndrome loses court of appeal abortion law case

**Heidi Crowter argued that the law was discriminatory and stigmatised disabled people**

**Matthew Weaver**

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A woman with Down's syndrome has lost a court of appeal challenge over late-stage abortions of fetuses with certain health conditions.

Heidi Crowter, who brought the case alongside Máire Lea-Wilson, whose son Aidan also has Down's syndrome, had argued that allowing pregnancy terminations up to birth if the foetus has the condition is discriminatory and stigmatises disabled people.

But in a ruling on Friday, three senior judges dismissed the appeal and said abortion laws were for parliament to decide.

Crowter, 27, said she was "absolutely distraught" by the ruling and the existing law made her feel that people like her should be "extinct".

In a summary of the decision, by Lord Justice Underhill, Lady Justice Thirlwall and Lord Justice Peter Jackson, the judges said the act did not interfere with the rights of the "living disabled".

They said: "The court recognises that many people with Down's syndrome and other disabilities will be upset and offended by the fact that a diagnosis of serious disability during pregnancy is treated by the law as a justification for termination, and that they may regard it as implying that their own lives are of lesser value.

"But it holds that a perception that that is what the law implies is not by itself enough to give rise to an interference with article 8 rights [to private and family life, enshrined in the European convention on human rights]."

Speaking outside the Royal Courts of Justice in London after the ruling, Crowter and her mother, Liz, said they would take the case to the supreme court.

Crowter, who is from Coventry, said: "I will not stop until I am seen as equal in society."

Asked why she wanted to change the law, Crowter told Sky News: "It makes me feel that I shouldn't be here. That I should be extinct. I know that's not true, but that's how it makes me feel."

She highlighted how the law treated her newly born nephew. "I was flabbergasted that the law protects him and not me," she said.

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"I was absolutely distraught."

Heidi Crowter has lost a Court of Appeal challenge over legislation which allows the abortion of babies with Down's syndrome up until birth.

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Crowter also said: "I am very upset not to win again, but I will keep on fighting because we have already informed and changed hearts and minds and changed people's opinions about the law.

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"I am very upset that babies with Down's syndrome can be aborted up to birth. This tells me that I am not valued and of much less value than a person without Down's syndrome. I am angry that the judges say that my feelings don't matter. That makes me feel that I am not as valuable as a person without Down's syndrome.

"When we first started this court case not many people knew about the law, but now many, many people know about the law thanks to us and your amazing support. We want to thank everyone who has donated their time and money to our court case."

But the Guardian columnist Frances Ryan spoke out against restricting access to abortion. [Ryan, the author of Crippled: Austerity and the Demonisation of Disabled People, tweeted:](#) "If you want to talk about the inequality of raising a disabled child, campaign for higher benefits, better childcare, and accessible housing. Forcing a woman to give birth against her will is not any form of disability rights."

Emma Vogelmann, a disability rights activist who has spinal muscular atrophy, agreed. Speaking to BBC Radio 4's World at One programme, she said: "When we start talking about restricting access to abortion, ultimately we're taking away a woman's autonomy and the choice to do what she wants with her own body. We're seeing some really dangerous conversations happening around a woman's right to access an abortion with, or without, an abnormality of the foetus."

Vogelmann added: "I have a condition that would have allowed my parents to terminate their pregnancy with me ... I don't view it as a judgment on my life, and my quality of life, if someone were to terminate a pregnancy with my condition.

“There are so many bigger issues that we face rather than what a woman chooses before we are born. We face discrimination on a daily basis from all sorts of people. And I think those conversations need to be much more prevalent.

“Having a child is a huge responsibility anyway, and I think with a disability there are going to be a lot of extra fights that that parent is going to have. That really needs to be a consideration if a woman is able to commit to that if they're going to be able to give a child the best possible chance in life.”

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