

Origin of “Conscientious Objection” in Health Care

*How Belief-Based Care Denial
Became Enshrined into Law
Because of Abortion*

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Introduction



Our definition of “conscientious objection” —

The refusal by a health care professional to provide a legal, patient-requested medical service or treatment that falls within the scope and qualifications for their field, based on their personal or religious beliefs.

But we use the more accurate term “**belief-based care denial.**”

- We could find no evidence of any country allowing belief-based care denial via law or policy until the United Kingdom – in its 1967 *Abortion Act*.
- Scholar Mark Wicclair notes that he was unable to find any academic articles on “conscientious objection” in health care prior to the 1960s.
- How did the UK come to include a “conscience clause” in its abortion law, and why?
- We reviewed several sources:
 - *British Medical Journal*, April 1966 to April 1968
 - Parliamentary Hansard debates, July 1966 to October 1967
 - Over a dozen books and articles that discussed the issue

An overview – past to present



In the healthcare context, the term “conscientious objector” first appeared in the United Kingdom’s *Vaccination Act*, amended in 1898.

— But the clause applied only to parents on behalf of their children – not medical practitioners.

- The **United Kingdom** was the first country to officially allow care denials based on “conscientious objection” by health care professionals – in the 1967 Abortion Act.
- After 1967, at least eleven countries incorporated the UK’s “conscientious objection” clause into their abortion laws, with only minor changes.
- In 1973, the United States passed the Church amendment granting doctors and private hospitals the option to deny care due to personal or religious beliefs.
- By 2024, according to REDAAS (Safe Abortion Access Network of Argentina):
 - 10 countries including the U.S. allow “unlimited” belief-based care denial
 - 87 countries put limits on the practice
 - 3 countries – Ethiopia, Sweden, and Finland – explicitly prohibit the practice

The UK's “conscientious objection” clause

- “Conscientious objection” for doctors was first mentioned in a 1960 draft of an abortion bill by Glanville Williams – president of the Abortion Law Reform Association.
- Key purposes of the clause:
 - *Glanville Williams*: To protect Roman Catholic doctors.
 - *MP David Steel*: To satisfy priests in his Scottish constituency.
 - *Members of Parliament*: To protect objectors from being “forced” to provide abortions and any criminal and civil liability if they refused.
 - *British Medical Association*: To protect doctors’ decisional authority over patients.
- In part, the “CO” clause was also a pragmatic compromise with conservative and religious MPs to ensure that the *Abortion Act* was passed.
- A few people opposed the “CO” clause, such as MP Kenneth Robinson, and some BMA members.



Harms of Belief-Based Care Denials



Valentina Milluzzo, died 2016

The harms of belief-based care denial are well-known:

- We collected eighty stories about women who suffered serious harm or injustice after being denied legal abortion, including death in several cases.
- Belief-based care denial is often accompanied by other unethical behaviour such as judging patients, lying to them, delaying them, violating privacy.
- Over a dozen patients or families have filed human rights complaints or lawsuits for harms inflicted by health care workers who denied care.

Refusing to provide legal and necessary care to patients is a violation of patients' right to health care and moral autonomy.

International human rights agreements do not recognize “conscientious objection” in health care as a right. The United Nations, World Health Organization, Amnesty International, and Human Rights Watch have called for limits on its exercise.

Conclusion

- The motivations for adding the “conscience clause” to the UK’s 1967 *Abortion Act* were rooted in:
 - Moral opposition to abortion
 - Catholic religious beliefs against abortion
 - Doctor authority and protectionism
- This points to an unprincipled basis for belief-based care denial, at the expense of patients’ rights and health, and physicians’ fiduciary duty to patients.
- The term “conscientious objection” masked the practice as a noble “right” of doctors, while disregarding patients’ autonomy and dignity.
- Belief-based care denial has become an anti-choice political tool that reinforces abortion stigma, reduces access, and drives political action against abortion rights.
- The UK should repeal its “conscience clause” and phase out the practice.



Access to abortion is a basic human right and an essential service that saves lives. Therefore, the provision of safe, legal abortion is a vital public interest that **negates any grounds** for belief-based care denial.