

Abortion and conscientious objection

Conscientious objection, in the context of abortion, is when a medical practitioner has a personal opposition to abortion. This can mean they refuse to participate in pregnancy terminations.

The Abortion Act 1967 contains a 'conscientious objection' clause, which allows doctors to refuse to participate in abortion provision unless a pregnant woman's life is at risk. A parliamentary answer in 1991¹ and the *Janaway v Salford Health Authority*² case of 1988 clarified that allowing medical service personnel to not 'participate' in abortion refers to taking part 'in administering treatment in a hospital or approved centre'.³

This means that in practice, doctors and other medical service staff should not refuse patients services such as unbiased advice or a referral for abortions which meet the legal requirements.⁴

Abortion Rights respects practitioners' right to hold personal beliefs. We do not believe such medical staff should be obliged to perform pregnancy terminations except in emergency situations, when addressing risk to the life of the woman must take precedence.

This is in line with the British Medical Association's (BMA) position.⁵ Abortion Rights agrees with the clarifications outlined above and BMA's practitioner advice, which states 'patients are entitled to receive objective medical advice regardless of their doctor's personal views for or against abortion'.⁶

Abortion Rights believes that the law should be clarified. It should ensure that practitioners with a conscientious objection are required to provide women with the services they are legally entitled to and/or refer them to a different practitioner who holds no such objection. That is, we want medical practitioners to be honest with patients and uphold their professional duty of care.

Abortion is a service 1 in 3 women in the Britain will obtain in their lifetime. It is imperative that the legal and medical status is clear.

¹ Parliament of Britain, *Hansard*, vol 201; No 37, Part II, col 355. 1991.

² *Janaway v Salford HA*, 3 All ER 1079 HL, 1988.

³ British Medical Association, *The law and ethics of abortion: BMA Views*, p. 2, 2007.

⁴ *Ibid.*

⁵ British Medical Association, *The law and ethics of abortion: BMA Views*, 2007.

⁶ *Ibid.*, p. 5.