



September 19<sup>th</sup>, 2018

Dear WMA members,

On behalf of the *European Centre for Law and Justice* (ECLJ), a non-profit organization specialized on conscientious objection, I sent you a letter on April 20<sup>th</sup>, 2018, about the project of a new *“Declaration on Medically-Indicated Abortion”*, discussed at the 209<sup>th</sup> WMA Council Session in Riga (Latvia).

Although the amended text is better than the first draft, we still have concerns about the project; therefore, I would like to recommend that you make a motion in order to amend it, on the occasion of the General Assembly of the WMA in Reykjavik (Iceland) on October 3-6<sup>th</sup>, 2018.

Here is the clause of the *“Declaration on Medically-Indicated Abortion”* that we deem the most problematic:

*“Physicians have a right to conscientious objection to performing an abortion; therefore, they may withdraw while ensuring the continuity of medical care by a qualified colleague. In all cases, doctors must perform those procedures necessary to save the woman’s life and to prevent serious injury to her health.”*

This clause recalls the duty of physicians to *“[ensure] the continuity of medical care by a qualified colleague,”* but the Declaration in its current wording seems to include abortion as a *“medical care.”* Based on this interpretation, physicians could be forced to refer women to professionals performing abortions and thus to cooperate to acts that they may reprove. Whereas the WMA was created to *“ensure the independence of physicians,”* such a clause would paradoxically grant them less rights than international law. Indeed, in States where abortion is legal, the responsibility to guarantee an effective access to legal abortion is imposed to the States, and not to

the physicians themselves.<sup>1</sup> By endorsing a coercion on physicians to cooperate to abortions, the WMA would violate their freedom of conscience for the first time in its history.

Moreover, it is essential to remove the ambiguities related to the word “*health*.” The WHO defines it as a “*state of complete physical, mental and social well-being,*” including “*reproductive health*.”<sup>2</sup> The strategy of pro-abortion movements is to introduce a reference to the “*health*” of women and to use the non-physical dimensions of health to justify and gradually normalize abortion. However, abortion must not be seen as a medical treatment to cure some women of their perfectly understandable anxiety about pregnancy. Psychological stress can be cured by real psychological answers. A Declaration related to abortion should thus limit its scope to the “*physical health*”.

For these two reasons, we respectfully suggest this alternative clause, more precise and respectful of human rights:

*“Physicians have a right to conscientious objection to advising or performing an abortion; therefore, they may withdraw while ensuring the continuity of medical care by a qualified colleague. In all cases, doctors must perform every necessary procedure to save the patients’ lives and to prevent serious injury to their physical health.”*<sup>3</sup>

Furthermore, the current project of a new Declaration has deleted the references to the duties of physicians towards human life and the unborn child. We deplore this radical change in the WMA ethical policy. Indeed, the moral responsibility of physicians towards human life has been a principle guiding the decisions of the WMA ever since its creation. The current “*Declaration on Therapeutic Abortion,*” adopted in 2006, declares that “*the WMA requires the physician to maintain respect for human life*” and makes two references to the “*unborn child*”.<sup>4</sup> As a national delegation,

---

<sup>1</sup> See for example: ECHR, *R.R. v Poland*, 27617/08, May 26<sup>th</sup>, 2011, § 206; ECHR, *P. and S. v. Poland*, 57375/08, October 30<sup>th</sup>, 2012, § 106: “*States are obliged to organize the health services system in such a way as to ensure that an effective exercise of the freedom of conscience of health professionals in the professional context does not prevent patients from obtaining access to services to which they are entitled under the applicable legislation.*”

<sup>2</sup> Website of the WHO, “*Constitution of WHO: principles,*” <http://www.who.int/about/mission/en/>

<sup>3</sup> This alternative clause is more compatible with the Resolution 1763 “*The right to conscientious objection in lawful medical care*” of the Parliamentary Assembly of the Council of Europe, adopted on 7 October 2010: “*No person, hospital or institution shall be coerced, held liable or discriminated against in any manner because of a refusal to perform, accommodate, assist or submit to an abortion, the performance of a human miscarriage, or euthanasia or any act which could cause the death of a human foetus or embryo, for any reason.*”

<sup>4</sup> “*WMA Declaration of Oslo on Therapeutic Abortion,*” adopted by the 24<sup>th</sup> World Medical Assembly, Oslo, Norway, August 1970 and amended by the 35<sup>th</sup> World Medical Assembly, Venice, Italy, October 1983 and the 57<sup>th</sup> WMA General Assembly, Pilanesberg, South Africa, October 2006, Article 1 and 3.

you can make an important contribution during the General Assembly and propose to maintain this clause in the new declaration.

As a reminder, according to the procedures of the WMA, a motion or amendment must be supported by only two national delegates in order to be discussed and submitted to a vote. The General Assembly is your last chance of preserving the right to conscientious objection and keeping the highest possible standards of ethics.

In absence of any change in the wording of the Declaration, we believe that it would be wiser to vote against it and to keep the current "*Declaration on Therapeutic Abortion.*" A proposed Declaration requires for adoption the affirmative vote of three-quarters of the General Assembly, so it is possible to form a blocking minority if necessary.

We remain at your disposal for any further information.

Sincerely yours,

Grégor Puppinck  
ECLJ Director