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Emne: Reservasjonsrett - høringsuttalelse

Vi ønsker med dette å be Helse- og omsorgsdepartementet følge Europarådets resolusjon 1763/2010 (1) og gi leger og andre som av samvittighetsgrunner ikke kan delta i legale medisinske prosedyrer og praksis, rett til slik reservasjon.

Det å nekte reservasjonsrett til leger og andre som av samvittighetsgrunner ikke kan henvise til abort eller formidle tidligabort-virkende prevensjonsmidler, er et overgrep mot deres etiske integritet. Et overgrep man i et demokratisk samfunn ikke kan være bekjent av.

I denne saken må flertallet i et ønske om å følge demokratiske og tolerante spilleregler, være åpne for at et mindretall av leger mener at embryo og foster er ufødte barn med et ukrenkelig menneskeverd og at disse legene derfor ikke kan henvise til abort eller formidle tidligabort-virkende prevensjonsmidler. Noe annet vil føre oss inn i en totalitær situasjon med en ensretting av legestanden og ekskludering av anderledes-tenkende som praktiserende fastleger.

Med vennlig hilsen

Tønsberg 30. mars 2014

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(1) Europarådets resolusjon 1763/2010

Resolution 1763 (2010)^L

The right to conscientious objection in lawful medical care

1. 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.

2. The Parliamentary Assembly emphasises the need to affirm the right of conscientious objection together with the responsibility of the state to ensure that patients are able to access lawful medical care in a timely manner. The Assembly is concerned that the unregulated use of conscientious objection may disproportionately affect women, notably those with low incomes or living in rural areas.

3. In the vast majority of Council of Europe member states, the practice of conscientious objection is adequately regulated. There is a comprehensive and clear legal and policy framework governing the practice of conscientious objection by health-care providers ensuring that the interests and rights of individuals seeking legal medical services are respected, protected and fulfilled.

4. In view of member states' obligation to ensure access to lawful medical care and to protect the right to health, as well as the obligation to ensure respect for the right of freedom of thought, conscience and religion of health-care providers, the Assembly invites Council of Europe member states to develop comprehensive and clear regulations that define and regulate conscientious objection with regard to health and medical services, and which:

4.1. guarantee the right to conscientious objection in relation to participation in the medical procedure in question;

4.2. ensure that patients are informed of any conscientious objection in a timely manner and referred to another health-care provider;

4.3. ensure that patients receive appropriate treatment, in particular in cases of emergency.

1. Assembly debate on 7 October 2010 (35th Sitting) (see [Doc. 12347](#), report of the Social, Health and Family Affairs Committee, rapporteur: Mrs McCafferty; and [Doc. 12389](#), opinion of the Committee on Equal Opportunities for Women and Men, rapporteur: Mrs Circene). Text adopted by the Assembly on 7 October 2010 (35th Sitting).