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PRESS RELEASE

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Sweden discriminates! Collective complaint against Sweden in favor of conscientious objection and respect for democratic procedures

Sweden lacks respect both for the fundamental freedom of conscience laid down by the European Convention on Human Rights and for the democratic proceedings of the Parliamentary Assembly of the Council of Europe. On 7 March the FAFCE filed a collective complaint against Sweden on the grounds of lack of respect for articles 11 (right to protection of health) and E (Non-Discrimination) of the European Social Charter.

On 7 October 2010 the Parliamentary Assembly of the Council of Europe adopted resolution (1763(2010)) The right to conscientious objection in lawful medical care, a text that **invites member States to develop comprehensive and clear regulations that define and regulate conscientious objection with regard to health and medical services.**

The Swedish Parliament **voted its own initiative resolution against this text** in May 2011, despite the fact that the resolution was adopted according to the democratic process that regulates all decisions taken at the Council of Europe. **By not respecting this fundamental right for any citizen across Europe, Sweden actually breaches the very principles that are the foundation of the Council of Europe: Human Rights, Rule of Law and Democracy:**

“The Report of Christine McCafferty, “Women’s access to lawful medical care: the problem of unregulated use of conscientious objection”, that preceded the Resolution 1763, caused a debate in Sweden about freedom of conscience for health care workers. The Swedish standing Committee has remained negative to the content of Resolution 1763 and the Swedish delegation has been directed by the Swedish Government to take action to accomplish a “change” of this resolution.

*On 11 May, 2011, the Swedish Parliament debated the report, Resolution 1763 and its recommendations after a report from the Foreign Affairs Committee. **The prospect that medical professionals and health care workers might exercise freedom of conscience initiated a debate.** The Foreign Affairs Committee Report recommended that the Parliament*

The Federation of Catholic Family Associations, FAFCE, is acknowledged by the Council of Europe as a Non-Governmental Organisation with a participatory status. It represents family interests in the political arena from a catholic perspective, on the basis of the Catholic Church’s Social and Family teaching as well as on the testimony of faith and experimental knowledge of Christians in Church and society.

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should advise the Government to be “critical of the content of Resolution 1763” and consider “that the delegation should work to bring about a change in the nature of this resolution.”

¹The Left Party added a “reservation” suggesting that the Parliament ask for the abrogation of Resolution 1763. The Sweden Democrats, in contrast, expressed support for the Resolution in a separate reservation. The Swedish Parliament accepted the recommendation of the Foreign Affairs Committee. Sweden thus formally set itself against freedom of conscience for health care workers and against the goals of Article 11 of the European Social Charter.” (FAFCE’s collective complaint).

The Federation of Catholic Family Associations in Europe, FAFCE, a member of the INGO Conference of the Council of Europe and deeply attached to the values promoted by the latter has paid close attention since to the implementation of the resolution.

FAFCE’s President Antoine Renard stresses that *“The right to conscientious objection is a safeguard for all of us, it provides a possibility for medical staff to enlighten their work by their conscience in relation to each one of their patients. The importance of conscience in the medical field grows every day as technology moves forward and medical staff is faced with ever more complicated decisions to make. Practising medicine is a human and moral activity, not just a technical one, as Hippocrates pointed this out centuries before our time.”*

Considering that freedom of conscience is a fundamental right laid down by the European Convention on Human Rights and by the Charter of Fundamental Rights of the EU, and that its restriction is contrary to both these legal instruments and to the jurisprudence of the European Court of Human Rights, **the FAFCE has been very concerned with Sweden’s lack of respect for the principles set forth by the resolution**, which have still not been implemented there.

Mr Renard explains that this is why the FAFCE has filed a collective complaint against Sweden: *“We hope that our collective complaint against Sweden will raise international awareness of this lack of respect for the democratic procedure and for the fundamental right to freedom of conscience, there is no reason that Swedish medical staff should be deprived of a right laid down by several European human rights instruments”*.

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¹ 2009/10:UU15 and 2011/12:KU14 http://www.riksdagen.se/sv/Dokument-Lagar/Utskottens-dokument/Betankanden/Fri--och-rattigheter_GZ01KU14/