

CONSCIENTIOUS OBJECTION
Articles and projects related to the
International Reproductive and Sexual Health Law Program,
Faculty of Law, University of Toronto

[Program website](#) [Reprohealthlaw Blog](#) [@Reprohealthlaw](#) reprohealth.law@utoronto.ca

Publications:

“The Right to Conscience,” in *Abortion Law in Transnational Perspective: Cases and Controversies*, ed. Rebecca J. Cook, Joanna N. Erdman and Bernard M. Dickens (University of Pennsylvania Press, 2014), 210-238. [Book](#)

“Jurisprudence from the Constitutional Court of Colombia on Conscientious Objection” in *T-388/2009. Conscientious Objection and Abortion: A Global Perspective on the Colombian Experience*, ed. Women’s Link Worldwide and the O’Neill Institute for National and Global Health, 2014. [Online in English and Spanish.](#)

“Objeción de conciencia y compromiso en conciencia,” in *Bioética, reproducción y familia*, ed. Fernando Zegers H. & Sofía P. Salas, (Santiago: Ediciones Universidad Diego Portales, 2014), 145-182.

Bernard M. Dickens, "[Objeción de Conciencia](#)," *Discusiones sobre Genero, Sexualidad y Derecho: Taller 2010*, ed. Alejandro Madrazo, Estefanía Vela, y Cecilia Garibi. (Mexico D.F.: Fontamara, 2013) 135-154.

Bernard Dickens & Rebecca Cook, “Conscientious Commitment to Women’s Health.” *International Journal of Gynecology and Obstetrics* 113.2 (2011): 163-166
<http://papers.ssrn.com/abstract=1832549>

Bernard Dickens, “The Ethical Responsibilities of Conscience” *IPPF Medical Bulletin* 43.4(Dec 2009): 3-4.
https://issuu.com/ippfresources/docs/medical_bulletin_december09

Bernard Dickens, “Unethical Protection of Conscience: Defending the Powerful against the Weak.” *Virtual Mentor* 2009;11:725-729.
<http://virtualmentor.ama-assn.org/2009/09/oped2-0909.html>

Bernard Dickens, “Conscientious Objection and Professionalism,” Editorial in *Expert Review Obstetrics and Gynecology* 4(2), 97-100 (2009)
<http://www.expert-reviews.com/doi/pdf/10.1586/17474108.4.2.97>
http://papers.ssrn.com/sol3/papers.cfm?abstract_id=1372865

Bernard Dickens, “Legal Protection and Limits of Conscientious Objection: When Conscientious Objection is Unethical” *Medicine and Law* (2009) 28:337-347.
<http://ssrn.com/abstract=1483363>

Rebecca J. Cook, Monica Arango Olaya and Bernard M. Dickens, "Healthcare Responsibilities and Conscientious Objection" *International Journal of Gynecology and Obstetrics* 104 (March 2009) 249-252.

http://papers.ssrn.com/sol3/papers.cfm?abstract_id=1337165

Bernard Dickens, "Conscientious Commitment" *The Lancet* 371 (April 12, 2008): 1240-41. (PDF)

Rebecca Cook and Susannah Howard, "Accommodating Women's Differences under the Women's Anti-Discrimination Convention," *Emory Law Journal* 56 (2007) : 1039-1092, especially 1085-1087.

http://papers.ssrn.com/sol3/papers.cfm?abstract_id=1029375

Bernard Dickens and R.J. Cook, "The Growing Abuse of Conscientious Objection" op-ed in *Virtual Mentor: Ethics Journal of the American Medical Association*, May 2006, 8(5): 337-340.

http://www.ama-assn.org/ama1/pub/upload/mm/384/oped1_16185.pdf

B.M. Dickens, R.J. Cook and E. Kismodi, *Reproductive Health: Case Studies with Ethical Commentary*. (Haifa: UNESCO Chair for Bioethics, 2006)

<http://medlaw.haifa.ac.il/index/main/4/ReproductiveHealth.pdf>

pp 15-17 (image 25ff in the PDF) and pp 59-60 (image 69ff in the PDF) contains two cases on conscientious objection.

Bernard Dickens, "Conscientious Objection: A Shield or a Sword?" in S.A.M. McLean, ed. *First Do No Harm: Law, Ethics and Healthcare* (Aldershot, UK: Ashgate, 2006) 337-351. (PDF)

Bernard Dickens, "Ethical misconduct by abuse of conscientious objection laws" *Medicine & Law* 25 (2006): 513-522 (PDF)

Rebecca Cook and Bernard Dickens, "Access to Emergency Contraception" (2003) 25(11) *Journal of Obstetrics and Gynaecology of Canada* 914-916 (addresses conscientious objection by healthcare professionals on pages 915-916).

Rebecca Cook and Bernard Dickens, Letter in Response to a Letter to the Editor, (2004) 26(2) *Journal of Obstetrics and Gynaecology of Canada* 112. (clarifies conscientious objection by healthcare professionals).

Rebecca Cook, Bernard Dickens and Mahmoud Fathalla, *Reproductive Health and Human Rights: Integrating Medicine, Ethics and Law* (Oxford: Oxford University Press, 2003) – includes an index entry on Conscientious objection.

http://www.law.utoronto.ca/faculty_content.asp?itemPath=1/3/4/0/0&contentId=1105

Bernard Dickens, "Reproductive Health Services and the Law and Ethics of Conscientious Objection," *Medicine and Law* 20 (2001), pp. 283-293. (PDF)

Spanish translation Servicios de Salud Reproductiva y el derecho y etica de la objeccion de consciencia, *Revista Argentina de Teoria Juridica* 13 (2009).

http://www.utdt.edu/ver_contenido.php?id_contenido=2455&id_item_menu=4082

Bernard M. Dickens and Rebecca J. Cook, "The Scope and Limits of Conscientious Objection," *International Journal of Gynecology and Obstetrics* 71(2000), pp. 71-77.

http://papers.ssrn.com/sol3/papers.cfm?abstract_id=946461

Articles and theses by our graduates and fellows:

Casas, Lidia, "Invoking Conscientious Objection in Reproductive Health Care: Evolving Issues in Latin America"

LL.M. thesis, University of Toronto, 2005. Abstract online at:

http://www.law.utoronto.ca/visitors_content.asp?itemPath=5/12/12/0/0&contentId=1621

click on #16.

Casas, Lidia, "Invoking conscientious objection in reproductive health care: evolving issues in Peru, Mexico and Chile, in *Reproductive Health Matters* 17.34 (Nov 2009): 78–87 [Abstract](#) [Full-Text HTML](#) [PDF](#)

Lamackova, Adriana "Conscientious Objection in Reproductive Health Care: Analysis of Pichon and Sajous v. France." *European Journal of Health Law*, 15.1(2008): 7-43 The article is no longer freely available online but the author can be reached at: adriana.lamackova@utoronto.ca

It is based on her thesis, abstracted online at:

http://www.law.utoronto.ca/visitors_content.asp?itemPath=5/12/12/0/0&contentId=1621

Uberoi, Diya & Beatriz Galli, "Refusing Reproductive Health Services on Grounds of Conscience in Latin America: Challenging policies and practises based on human rights standards" in *SUR International Journal on Human Rights*, issue 24 (Dec 2016) [special issue on "Women: Movements, Successes and Obstacles ([Overview](#))] online:

[English edition](#) [Spanish edition](#). [Portuguese edition](#)

Zampas, Christina, "Legal and ethical standards for protecting women's human rights and the practice of conscientious objection in reproductive healthcare settings," in special issue "Conscientious Objection to the provision of reproductive healthcare, *International Journal of Gynaecology and Obstetrics*, vol 123, Supp. 3 (Dec. 2013) [online in this special issue](#).

Zampas, Christina and Ximena Andi3n-Iba3ez, "Conscientious Objection to Sexual and Reproductive Health Services: International Human Rights Standards and European Law and Practice," *European Journal of Health Law* 19 (2012) 231-256. [Online here](#).

Commentaries published on REPROHEALTHLAW listserv 2002-2011

Anna Pippus, “New Zealand: Conscientious Objectors Need Not Refer, but they must inform -- case of *Hallagan and Anor v Medical Council of New Zealand*, HC WN CIV-2010-485-222 [2 December 2010] Reproductive and Sexual Health Law Listserve, April 24, 2011
http://www.law.utoronto.ca/documents/reprohealth/LS060_NZ_conscientious_objection.pdf

Mónica Arango, “Colombia: Constitutional Court – Conscientious Objection decision 2008,” Reproductive and Sexual Health Law Listserve, April 24, 2011. [Online here.](#)
 See also her article, mentioned above, in the *International Journal of Gynecology and Obstetrics*. Decision says clearly that there are limits to a doctor’s right to conscientious objection. It is a very helpful case.

Jarmila Lajcakova, “Opinion No 4-2005: The Right to Conscientious Objection, Concordats between EU Member States and the Holy See,” Reproductive and Sexual Health Law listserv January 6, 2006
http://www.law.utoronto.ca/documents/reprohealth/LS008_Conscientious_Objection.doc

Adriana Lamackova, summary of “Pharmacists and Conscientious Objection Scope Note 46,” *Kennedy Institute of Ethics Journal* 16.4 (December 2006): 379-396. Reproductive and Sexual Health Law listserv, January 22, 2007. [Summary of Scope Note](#) . [Scope Note](#) .

Recommended Further Reading:

“Drawing the Line: Tackling tensions between religious freedom and equality.” International Network of Civil Liberties Organizations, 2015. [56-page report](#)

[USA]: “Health Care Refusals: Undermining Quality Care for Women.” National Health Law Program, [84-page report](#).

"Conscience Wars in Transnational Perspective: Religious Liberty, Third-Party Harm, and Pluralism" by Douglas NeJaime and Reva Siegel. In: *The Conscience Wars: Rethinking the Balance between Religion, Identity, and Equality*, ed. Susanna Mancini & Michel Rosenfeld (Cambridge Univ. Press, 2017, Forthcoming).
http://papers.ssrn.com/sol3/papers.cfm?abstract_id=2714017

“Tasmania’s Reproductive Health (Access to Terminations) Act 2013: An analysis of conscientious objection to abortion and the ‘obligation to refer,’” by Ronli Sifris
Journal of Law and Medicine 22(2015): 900-914
http://papers.ssrn.com/sol3/papers.cfm?abstract_id=2595467

“Ethical Guidelines on Conscientious Objection,” FIGO (International Federation of Gynecology and Obstetrics) in *Reproductive Health Matters* 14.27 (May 2006):148–149.
[English PDF online](#)

Also in: [FIGO Ethical Issues in Obstetrics and Gynecology](#), 2015 pp. 37-39

French “Directives éthiques sur l’objection de conscience” pp 220-222.

Spanish “Directrices éticas sobre la objeción de conciencia” pp. 416-418

“Ethical Guidelines on Conscientious Objection in Training” (2014) pp 172- 274 in :

[FIGO Ethical Issues in Obstetrics and Gynecology](#), 2015

French “Pratiques d’éthique sur l’objection de conscience lors de la formation,” pp. 367-369.

Spanish “Objeción de conciencia durante el entrenamiento, pp. 564-566.

“Conscientious objection, barriers, and abortion in the case of rape: a study among physicians in Brazil” by Debora Diniz, Alberto Madeiro, Cristiano Rosas, in *Reproductive Health Matters* 22.43 (May 2014): 141-148. [Abstract](#)
[Full-Text HTML](#) [PDF](#)

“Obstacles and challenges following the partial decriminalisation of abortion in Colombia” by Eduardo Díaz Amado, Maria Cristina Calderón García, Katherine Romero Cristancho, Elena Prada Salas, Eliane Barreto Hauzeur, *Reproductive Health Matters* 18.36 (Nov 2010): 118–126
[Abstract](#) [Full-Text HTML](#) [PDF](#)