



Swedish Court: Midwives Must Perform Abortions or Lose Job

A Swedish court has ruled against a Christian midwife who objected to performing abortions because she said it violated her religious beliefs, Fox News reports. Experts say the shocking ruling violates international law, which protects conscientious objection.

Since 2014, midwife Ellinor Grimmark has been engaged in a legal battle to be exempt from performing abortions, after a contract that offered her a position at a hospital was rescinded when she refused to perform abortions against her personal convictions. Grimmarck then took the case to Sweden's Equality Ombudsman, where she argued that she was the victim of discrimination, but she lost that case. The Equality Ombudsman determined that Grimmarck's offer was rescinded not because of her religious beliefs but because of her refusal to execute the duties outlined in her job description.

In 2015, a district court also ruled that her right to conscience was not violated by asking her to assist in abortions, and she was ordered to pay the government's legal costs, totaling over \$100,000.

With the help of U.S.-based pro-Christian organization Alliance Defending Freedom (ADF), Grimmarck appealed to the Labour Court.

According to the ADF, a total of three different medical clinics in the district of Jönköping had refused to employ Grimmark based on her refusal to perform abortions and to uphold the "dignity of human life."

"We are greatly concerned with the case of Mrs. Grimmark. Her case is representative of an emerging human rights problem in Sweden regarding failure to recognize rights of conscientious objection," ADF wrote in its 17-page brief.

"The dismissal of midwife Grimmark is a troubling development stemming from Sweden being out of step with the rest of Europe," the brief continues. "Such a blatant disregard for rights of conscience cannot be allowed to stand in Sweden. A state must seek to accommodate religious and moral beliefs no matter how irksome it finds them."

In the brief, the ADF also pointed out that international law protects Grimmark's right to be exempt from having to perform abortions. It stated that the Parliamentary Assembly of the Council of Europe's position on the rights of medical professionals and abortion was "clear."





Written by [Raven Clabough](#) on April 13, 2017

“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 fetus or embryo, for any reason,” wrote the ADF in the brief.

According to European news site New Europe, Grimmark argued that it was not necessary to force her to violate her own religious beliefs when it was just as easy to find another midwife who was willing to perform an abortion in her place.

“Abortions are always planned which means that it is possible to solve it simply through work schedules, which is what has been done previously,” Grimmark said.

But the Labor Court ruled on Wednesday that there was no evidence of discrimination, stating it found no reason to believe that Grimmark’s “freedom of opinion and expression had been violated.” The court also determined that “some of the demands are too old, have exceeded the statute of limitations, and the midwife had failed to prove certain claims.” The court ordered her to pay the other party’s legal costs.

Following the ruling, the ADF issued a statement.

“The Court has failed to protect Ellinor Grimmark’s fundamental right to freedom of conscience despite the clear legal protections that exist in international law,” Robert Clark, director of European advocacy for ADF International, said. “Some have attempted to frame this case as one that pits one human right against another — however, the only person whose rights have been violated is Ellinor Grimmark.”

The human rights group Scandinavian Human Rights Lawyers asserts that the ruling against Grimmark is a miscarriage of justice. The group contends that “freedom of conscience” is a vital human right that prevents individuals from being denied work if that individual cannot perform a task that “extinguishes human life” on the basis of ethical, moral or religious objections.

“Restrictions on the right to freedom of conscience must be supported by law and be necessary in a democratic society,” Scandinavian Human Rights Lawyers said after the appeals court decision in Grimmark’s case.

But Grimmarck told Swedish news site The Local that her team had expected the ruling.

“Obviously I’m disappointed about the ruling. It was expected so it’s something we prepared for,” she said.

And though Grimmark has found a job in Norway, where midwives have the right to refuse to assist with abortions, she states that she will continue to move forward on principle. Grimmark and her legal team announced that they will pursue her case with the European Court of Human Rights. According to The Local, the Court of Human Rights cannot overrule the decision of the courts, but can award compensation.

Groups on the Left welcomed the court’s verdict, including Swedish sexual education campaign organization RFSU.

“It’s very important that the Labour Court establishes that abortion is included in midwifery. A patient’s care needs and wishes should not be steered by medical staff’s refusal to perform certain tasks,” RFSU chairperson Kristina Ljungros said in a statement.

Sweden’s Health Professionals vice president Ann Johansson applauded the ruling, stating “people



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seeking care should not have to think about your own opinions.”

And while Swedish Health Minister Gabriel Wikström did not comment specifically about Grimmark’s case, his statement was still revealing: “In principle, I think that healthcare should be based in science and proven experience, not an individual person’s opinions and thoughts. Refusal to carry out abortions, give out contraception and the like is a refusal to care.”

Wikström’s statement underscores just how far the medical profession has come from the days of Hippocrates, whose original oath of professional and personal conduct for medical professionals strictly denounced performing abortions. Today, a bastardized version of the oath is taken by doctors instead, which no longer includes that language.

However, the 1948 oath adopted by the 2nd General Assembly of the World Medical Association does include language regarding human rights and civil liberties: “I will not use my medical knowledge to violate human rights and civil liberties, even under threat.”

Sadly, it seems that provision applies only to a patient’s so-called human right and civil liberty to have an abortion and not a medical professional’s right to oppose it.

The BBC reports that Sweden has one of the highest rates of abortion in Europe, based on 2011 figures from the United Nations, which show there were 20.8 abortions for every 1,000 women.



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