

Presidenza del Consiglio dei Ministri



CONSCIENTIOUS OBJECTION AND BIOETHICS

Published 30th July 2012

Approved 12th July 2012

Abstract

The document addresses the issue of conscientious objection in bioethics from a general point of view with a look toward possible future issues, without limiting its considerations to some areas that are already regulated (such as for example, the voluntary interruption of pregnancy); the regulations on MAP and on animal experiments. The opinion considers conscientious objection in bioethics a constitutionally founded right (with reference to inviolable human rights), and emphasises the democratic dimension, as it preserves the problematic nature of the issues related to the protection of fundamental rights without binding them to the absolute power of the majority.

The document examines the moral aspects of conscientious objection and focuses on the legal side, to which the objector ultimately turns requesting that he be allowed not to fulfill the legal commands contrary to his conscience. On the legal side, the new frontiers of bioethics increasingly propose a new challenge to the constitutional, democratic and pluralist State to avoid imposing obligations contrary to conscience exploiting those who exercise a profession or at least protect conscientious objection when inviolable human rights are at stake without stifling the principle of legality. Therefore legally sustainable conscientious objection should not restrict or make more difficult the exercise of rights conferred by law nor weaken the bonds of solidarity deriving from common membership to the social body.

Several recommendations are derived from these conclusions: in the protection of conscientious objection which ensues from its being constitutionally founded, it is necessary to take adequate measures to ensure the provision of services, taking care not to discriminate neither objectors nor non-objectors, and therefore the organisation of tasks and recruitment that can balance, on the basis of available data, objectors or non-objectors.