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Statement by the Swedish Medical Association

The Swedish Medical Association (“the SMA”) is a trade union and professional organisation for all doctors in Sweden, with approximately 58 000 members, representing about 80 percent of the Swedish doctors. Karl-Henrik Grinnemo, Oscar Simonson, Matthias Corbascio and Katarina Le Blanc (“the Applicants”) have requested that the SMA provide its perspective on the consequences of KI’s misconduct decision of 25 June 2018. The SMA submits the following statement.

In the SMA’s view, it is common knowledge within the research society that a decision on research misconduct adversely affects the individual researcher. A finding that a researcher has committed research fraud is a direct indictment of their professional integrity and is devastating for their reputation. A misconduct decision often leads to the cancellation or withdrawal of granted funds and restrictions on seeking new funds. It also reduces the prospects of being published in medical journals. These consequences can easily prevent the researcher from continuing their current research and in worst case effectively put an end to their research careers.

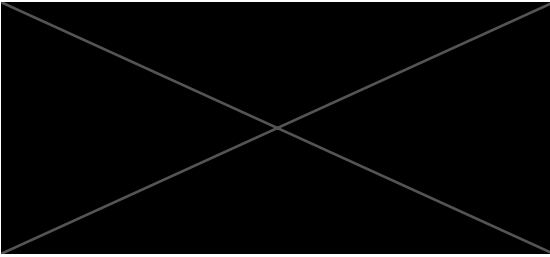
It is, therefore, crucial that allegations of misconduct are examined in a fair process, which safeguards fundamental procedural rights. For this reason, the SMA is positive to the introduction of the new Act on Responsibility for Good Research Practice and the Examination of Research Misconduct and the system whereby certain questions of misconduct are examined by the Swedish National Board for Assessment of Research Misconduct, whose decisions can be appealed to an administrative court.

Prior to the new act, universities themselves investigated all questions of alleged misconduct and could in practice “convict” a researcher without giving him or her the opportunity to respond to the accusations before an independent body. In the SMA’s view, this system failed to sufficiently safeguard procedural rights. This is of particular concern when a university finds a whistle-blower responsible for research misconduct after having exposed malpractices and fraud at that very university.

The SMA wishes to emphasise that the Applicants exposed serious malpractices in the sphere of healthcare and medical research. There is a substantial risk that KI’s misconduct decision will be perceived as a cautionary example aimed at other

employees considering following in the Applicants' footsteps. The misconduct decision runs the risk of discouraging potential whistle-blowers in the medical profession; constituting a serious threat to patient safety. The SMA underline the importance of safeguarding the right to whistleblowing. The importance of the right to appeal and independent review cannot be stressed enough.

In light of the above, the Association considers it essential that the European Court of Human Rights concludes that the Applicants should have enjoyed the right to an independent review of KI's misconduct decision.



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President
Swedish medical association