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Ethics at the beginning of life

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Age limits for human rights?

The right to life and health care in the perinatal phase

When does the life of a human being really begin? From the viewpoint of Swedish law, the *legal rights* that are guaranteed human beings generally do not apply before birth. This does not mean that the unborn are left without any legal protection, but the protection is weaker and to a considerable extent dependent on the interests of the woman carrying the foetus. At birth, this situation changes quite dramatically. How, then, are the rights of the new-born defined? Do they in any way differ from the legal rights of an older child or a grown-up, for example regarding equitable access to health care?

Under public international law, *everyone's* right to life shall be protected. The UN Convention on the rights of the child (1989) in particular requires that states ensure to the maximum extent possible the survival and the development of every child, without discrimination of any kind, irrespective of for example disability, birth or other status. It is also prescribed that the best interests of the child shall be a primary consideration in all actions concerning children.

Where does this bring us with regard to health care in the perinatal phase of life and the legal rights of new-borns? For example, on what conditions – if any – could it be lawful to forego treatment in cases where the child is prematurely born or severely disabled, and the prognosis is poor? Do the relevant criteria differ from those applied to more mature individuals, and what are the arguments for or against any such differences?