

Parents' Rights, Children's Rights and Decisions about Medical Care

Seminar by Dr Barry Lyons
University of Manchester

Friday 11 November 2011, 1.30pm – 3.00pm
Lecture Theatre, Elmwood Teaching and Learning Centre

Most parental decisions with respect to children's healthcare are uncontroversial. Child C with disease X needs treatment Y in order to improve her health status, and parental consent to allow this care to proceed falls readily under the standard notion of parental duty. However, some decisions are less clear cut. This paper concerns those choices about medical care taken by parents where the health benefit to the child is uncertain or absent. In some instances the decisions might be regarded as harmful. These choices include (a) medical care requested by parents that is non-therapeutic; and (b) interventions refused by parents that are likely to benefit the child. It is possible to divide the reasons behind these decisions into three categories: (1) to enhance social inclusion; (2) those motivated by religious or cultural values; and (3) failure to accept scientific evidence. Article 5 of the UNCRC supports the parental right to make many decisions about their child's upbringing, including medical treatment. A number of other articles relate to the protection of the child. On some occasions the parental right to make healthcare decisions appears to conflict with the child's the right to bodily integrity. Notwithstanding the fact that some interventions now require some form of oversight, in many instances the parental right seems to trump the child's right. This paper suggests that parental decision-making should be constrained (a) when it relates to the medicalisation of social issues; or (b) where the risk of healthcare harm is significant.

Dr Barry Lyons graduated in Medicine from University College Dublin in 1989, and in Philosophy & History from Dublin City University in 2007. He has practiced as a consultant in Paediatric Anaesthesia and Critical Care Medicine in Dublin since 1999 until 2008, when he took a sabbatical. He was awarded a PhD in Bioethics and Medical Jurisprudence at the University of Manchester earlier this year, and is currently a research fellow at the School of Law at University of Manchester.

If you wish to attend, please contact Dr Bronagh Byrne (b.byrne@qub.ac.uk)

For more information on the Exploring Children's Rights Special Interest Group, please see [here](#)