

## **The issue of the balance between paternal and maternal input when making decisions for an unborn child:**

The issue of decision-making for an unborn child involves complex ethical, legal, and social considerations that revolve around the rights and responsibilities of both parents during pregnancy. Historically, maternal autonomy has been prioritised in matters concerning pregnancy and childbirth, reflecting societal norms and legal frameworks that grant pregnant individuals' primary authority over decisions affecting their own bodies and the foetus. However, there is increasing recognition of the importance of paternal involvement and the rights of expectant fathers in the decision-making process.

The tension between maternal autonomy and paternal rights arises from conflicting interests regarding decision-making authority during pregnancy. While maternal autonomy emphasises a pregnant individual's right to make choices about their own body and medical care, paternal rights advocate for the involvement of fathers in decisions affecting the unborn child's welfare.

Decisions regarding medical interventions during pregnancy, such as prenatal testing, foetal monitoring, medical treatments, and terminations, often involve considerations of both maternal and paternal input. Balancing the interests of both parents while prioritising the health and well-being of the unborn child is essential in such situations.

- Canadian law recognises the rights of both parents in decision-making for their children, including unborn children. Unmarried fathers have rights to be involved in decisions related to prenatal care and the well-being of the unborn child, particularly if paternity is established and acknowledged.
- Chinese law traditionally places a strong emphasis on maternal authority in matters concerning pregnancy and childbirth. While fathers may have rights and responsibilities regarding their children after birth, their involvement in decision-making during pregnancy is limited.

### **Points to consider:**

What are your country's laws around decision making for an unborn child?

Should maternal and paternal input be equal?

Should we promote the increased input from potential fathers?

Should medical professionals interfere if parents are unable to come to a conclusion?

**Useful links:**

<https://childlawadvice.org.uk/information-pages/legal-position-relating-to-unborn-children/>

<https://www.ohchr.org/sites/default/files/Documents/Issues/Women/WG/WomensAutonomyEqualityReproductiveHealth.pdf>

<https://www.ncbi.nlm.nih.gov/pmc/articles/PMC8956302/>

