

Petition of Children's Right of Welfare in American and British Law by Considering Drafting These Claims in Iran's Law

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Abstract

Emphasis on the population control program in the United Kingdom and the United States over the past decades, and as a result, increased use of contraception methods and failure of them, along with advances in assisted reproductive technologies and prenatal diagnosis, have led to litigations in the two countries' courts which are apparently aiming at supporting children's right to welfare.

This paper has been tried by using documentary method to answer the main question what is children's lawsuits of welfare right and what criticisms bring to them?

These types of suits are based on their own kind, petition on the part of children or their parents in courts, and the basis of this type of lawsuit is the conflict of the rights of parents, children, physicians and society, which, of course, includes serious criticisms such as inherent contradictions in these claims, conflict with the rules, the impossibility of assessing the damage in these cases, the failure to inflict harm on the child and the negative consequences. In Iran's law, there are problems in several aspects of this lawsuit, such as ambiguity in the subject matter of the lawsuit and the reasons for the existence of the right and the serious conflict between the lawsuit and the rules of fairness and benevolence, custom and ethical rules and values.

Keywords: Welfare; Wrongful Life; Child; Parents; Disadvantages.

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