Wrongful Birth and Wrongful Life.

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Wrongful birth is a situation where a child is born with a congenital malformation or genetic disease because of the doctor’s misconduct. The child is not in a position to sues for damages, so the responsibility rests on the parents. The parents may have the right to sue for damages if they had the possibility of determining in the preconceptional and preimplantation phase an event that would have led them to interrupt the pregnancy, but which was not possible due to the legal status of the defaulter. This is also subject to the individual’s right to choose. The facts that would have led the parents to interrupt the pregnancy are the subject of the non-equivalence of protection of the mother, who is an individual, and that of the conceived child, who is a person. Therefore, to a floodgate argument, the child’s right to be born is not absolute, since it must be comprehended through the control of the normal development of the fetus.

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