

The Right to an Informed Decision and its Lagging Legal Protection

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An informed decision is made when an agent makes a substantive choice with a reasonable understanding of the potential benefits, detriments and risks involved with the outcome of each available option along with awareness of any relevant circumstances. It is an important aspect of modern life on numerous occasions such as medical treatment, business transactions and life choices. The right to an informed decision during medical treatment and scientific research has long been recognized by the Nuremburg Code and Helsinki Declaration as amended in 2013. Similarly the Section 3 (c) of the UN Guidelines for Consumer Protection of 1999 recognizes the right of informed choice in consumer affairs. However, legal protection for the informed decision during general life choices is still lacking. When a superficial decision allows someone to profit at the expense of the agent, denial of an informed decision that could potentially serve the best interest of the agent becomes a common malicious occurrence. This paper scrutinizes the protection the law can offer in such a situation. The proposed solutions to remedy this include the use of a two point legal test and declaration of the informed decision as a fundamental right. The methodology involves the use of ethics to analyze the violation of an informed decision, survey of existing methods of protecting the informed decision and formulation of a solution through jurisprudence.

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