



## Case T-411-1994

No. T-411-1994

**Country:** Colombia

**Region:** Americas

**Year:** 1994

**Court:** Constitutional Court [Corte Constitucional]

**Health Topics:** Child and adolescent health, Diet and nutrition

**Human Rights:** Freedom of religion, Right to health, Right to life

### Facts

A 10-month-old baby girl was diagnosed with lobar pneumonia, malnourishment, and dehydration. A doctor advised her parents to seek immediate medical attention considering her critical health state was putting her life at risk. The parents were evangelical Christians whose sect did not allow them to take the baby to the hospital for treatment.

The Caldono Mixed Municipal Judge (Cauca) ordered her parents to take the minor to the Municipal Hospital of Caldono in order to provide her with appropriate medical care. The judge also granted the Hospital's Director the right to perform any necessary act to protect the life and health of the child, including calling in public forces. Moreover, the court ordered the parents to cover all the costs of the medical services, proportionate to their economic capacity, and to abstain from any similar conduct that risked the minor's right to life or other fundamental rights.

### Decision and Reasoning

The court upheld the judge's order, holding that the right to life and the right to health of the minor were inalienable rights that her parents could not trample.

The Court reasoned that, while religious freedom is protected by the State, it cannot trample the right of another person by risking the health and physical integrity of a person. Minors in particular must be protected by the State because they are defenseless. The Court stated that a minor cannot be treated like a parent's property because the minor has its own right to develop a legal personality, including the rights to life, to physical integrity, and to health.

### Decision Excerpts

“The religious beliefs of a person cannot lead to the absurd thinking that, based on the same, one can dispose of another person's life, risk their health and their physical integrity; especially when we are talking about a minor, whose defenselessness makes the State grant him a special protection, according to article 13 of the Constitution. The essence of religion in general, and especially Christianity, is to maintain life, physical integrity, and health of the human being; but from this, it is paradoxical that the faithful can evoke their religious beliefs, as in this case, to obstruct the opportune intervention of science towards the health of their child. There are not enough reasonable principles that can place a determined religious creed in opposition of such fundamental rights of an individual such as life and health.” • Page 6.

“Las creencias religiosas de la persona no pueden conducir al absurdo de pensar que, con fundamento en ellas, se pueda disponer de la vida de otra persona, o de someter a grave riesgo su salud, y su integridad física, máxime, como ya se dijo, cuando se trata de un menor de edad, cuya indefensión hace que el Estado le otorgue una especial protección, de conformidad con el artículo 13 superior. Por lo demás es de la esencia de las religiones en general, y en particular de la cristiana, el propender por la vida, la salud corporal y la integridad física del ser humano; por ello no deja de resultar paradójico que sus fieles invoquen sus creencias espirituales, como ocurre en este caso, para impedir la oportuna intervención de la ciencia en procura de la salud de una hija menor. No existe pues principio de razón suficiente que pueda colocar a un determinado credo religioso en oposición a derechos tan fundamentales para un individuo como son la vida y la salud.” • Page 6.

“Finally, this chamber reminds that the right to health is inalienable and therefore the claims such as those

that lie with the record have no legal basis, relative to the pressure of certain religious groups over their members to not receive reasonable the minimum treatment that health and the right to life demand, as these are inalienable and undeniable because they are inherent to human nature.â€• Page 7.

â€œFinalmente recuerda la Sala que el derecho a la salud es irrenunciable, y por tanto carecen de fundamento legal pretensiones tales como las que constan en el expediente, relativas a la presiÃ³n de ciertos grupos religiosos sobre sus miembros para no recibir los tratos mÃ¡ximos razonables que la salud y derecho a la vida exigen, como bienes irrenunciables e inalienables por ser inherentes a la naturaleza humana.â€• Page 7.

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