



Concepts

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Rights to life at the preterm infants*

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This ethical concept is grounded on the Supreme Court orders at USA and Turkey. And also, the law aspects of the European Human Rights Council, under the aspect of Human Rights to life. This is the ethical concepts of the preterm newborn infants.

Health is under the perception of to be, as the right to life, therefore, prime important and all aspects are constricted on it.

The article “**Ethical Issues in Neonatal Care**” at 2015, January 16, (from: Brian S Carter, MD, FAAP; Chief Editor: Ted Rosenkrantz, MD, et al) mentioned some aspects on ethical discussions as indicated below.

- **Who deserves Access to prenatal and Neonatal specialty care?**
- **Who pays for this care?**
- **Is the cost of neonatal intensive care acceptable?**
- **How can this care be assured and equitably distributed?**

- Are some babies too sick or too premature for newborn intensive care?
- What outcomes of neonatal intensive care are too burdensome?
- Who decides whether an infant receives care?
- How are these decisions made?

They also mentioned some other questions concerning the care of the babies as:

- What are the goals of neonatal intensive care?
- What place to guideline have in the ethical practice of neonatal medicine and how should they be developed?
- What is good for critically ill newborns and who determines this?

There is quite a different perspective between the legal and ethical committee's aspects. We therefore made an ethical review on the Neonatology Intensive Care by the aspects of the Court Orders. All the staffs at NICU, Eskişehir Acıbadem Hospital, are approved this concept by their free will.

Outline

The Rights to life, is established under the Supreme Court Law of USA and Turkish Government, and also the European Human Rights Court and Council order.

Concepts of the Preterm Rights

1-Every preterm infant right to life, as with the all other person, that the other rights grounding to life, Every preterm right to life, is an existing and real right, 2-Economy will not be considered in case of right to life; health and humanity, 3-Physician is not an advisory of abortion or termination, advocatory of unborn infants, 4-Every preterm newborn, after 20th gestational weeks, have the potential to live, right to life is certainty of active fact, 5-All human beings are born free and equal in dignity and rights and because of by reason of his physical and mental immaturity, the child, 6-Mother right for termination and abortion is conditioner rights, must be supported medically, 7-Life will not base on philosophical, social, religion and other cultural aspects, the beginning and death must be only approved concisely by medical applications, 8-Torture is illicit in every manner, 9-The disabled preterm newborn has the right to life, after 20th gestational weeks, 10-The medical procedures and application leads for health of people and community, and therefore must be evaluated and perceptual procedures have to be taken by the administrations and government. Every preterm newborn, being healthy or ill, is entitled to the best care, social protection and safety available, 11-No human beings have the right for ending the life, even ethical committees and legal courts, 12-The medical procedures and application leads for health of people and community, and therefore must be evaluated and perceptual procedures must be taken by the administrations and government. Each preterm, whether healthy or ill, is authorized to the best medical attention, social protection and safety available, every disabled and malformed infant have the reconstruction medical applications before death, 13-Medical serve and care is needed cooperative and collaborative study for the best levels of health. Best will be tried to apply and will be

transported for suitable intensive care Perinatal/Neonatal centers, 14-Every preterm newborn has the right to be taken care with mother, under supervision of medical staff. Breast feeding must be noticed the best nutrition for feeding, social support and several other aspects. Especially preterm infants have right breast milk, have to be taken and given, even for small amounts.

Preterm infants after 16 gestational week development, have several cognitive and sensation development, and after 20th gestational weeks, prone for viable. Under the Universal Declaration of Human Rights and Convention on the Rights of the Child, and other universal and national ethic and legal aspects, preterm infants must be considered as people, also in utero, and right to life, not considering the disabled and malformations. We Physicians and medical staffs, obligatory in aspect of ethical concepts; not to give any harm (primum non nocere) and perform the utility, to serve and to protect the right of life

Özet

Prematürenin yaşam hakkı temelinde; Amerika ve Avrupa Konseyi ile hukuk kararları dikkate alınarak, Ülkemizde Yargıtay'ın görüşleri de temel alınarak hazırlanmıştır.

Prematüre Haklarının İlkeleri: 1- Her bir prematüre bebeğin yaşam hakkı vardır ve diğer haklar yaşam hakkının sağlanması ile oluşur, 2- Yaşam Hakkı temelinde ekonomik gayeler güdülemez, 3- İntrauterin yaşayabilir boyuta geldikten sonra gebeliğin sonlanması gündeme gelemez, anne yaşamı tehlikede ise erken doğum gündeme gelebilir, 4- Doğmamışın yaşamı da koruma altına alınmalıdır, 5- Gebelik sonlanması kararında bebeğin yaşam hakkı da dikkate alınmalıdır. Bebeğin avukatı Neonatoloji uzmanları olmalıdır, 6- Yaşam bireye özgü bilinmeyendir, 7- Yaşamın oluşması yanında yaşamın sonlanması tam bilinmediği için, beyin ölmesi temeli ele alındığında, kalbin durması tek başına ölüm kriteri olarak alınmamalıdır. 8- Ölüme yaklaşan kim olursa olsun, rahat ve huzurlu olarak ölmesi sağlanmalıdır, 9- Canlı doğanın vatandaşlık haklarından yararlanacağı hukuksal boyut nedeniyle bebeklerin canlı doğurtulmasına çalışılması, bebek ölse bile miras hakkı olacak, bu hak anneye geçecektir. 10- Tıbbi yaklaşımlar içinde ölümü tetikleyen, kolaylaştıran, yardım eden hiçbir eylem bulunmamaktadır, 11- Sağlık kuruluşları yönetsel olarak hasta temelinde yapılanma yapmalıdırlar, 12- Ölüm oluşması ile nedeni, yaklaşımlar ve gerekçesi, tıbbi yaklaşımların dayanakları belirtilmeli ve kontrol edilmelidir, 13- Terminasyon dayanağı olarak, yaşam hakkı ve yasal, yönetmelik yaklaşımlarına uygun olarak, oluşturulan konsey aileye bilgilendirme yapmalı, kararı aileye rıza olarak bırakmalıdır, 14- Her türlü danışmanlık, sevk zinciri kurulması tıbbi gereksinimlere göre yapılmalıdır.

Prematürelerin intra uterin yaşamda birçok insancıl duyu ve davranış yeteneklerini geliştirdikleri ve insan türünün bir bireyi olduğu vurgulanarak, tüm bireyler gibi temelde yaşam hakkına sahip olduğu dikkate alınmalıdır.

The Rights of Preterm Babies

Foreword

Under the Act of Universal Declaration of Human Rights and International Convention on the Rights of the Child, “**Everyone has the right to life, liberty and security of person**”. The right to life is grounding all the rights of human being.

Concepts of the Preterm Rights

1. **Every preterm infant right to life, as with the all other person, that the other rights grounding to life. Every preterm right to life, is an existing and real right.** Right to life is a sole Right of existence as human, if you ended the life, all other rights will be nonsense. Right to life will not be considered broadly, it's a concrete right. The quality of life and best interest valuations are abstract facts and have not reasoning for letting to die, and ending the right to life.
2. **Economy will not be considered in case of right to life; health and humanity.** Economic reasoning; such as efficiency, effectiveness and eligibility, is not acceptable when considered Right to life.
3. **Physician is not an advisory of abortion or termination, advocatory of unborn infants.** Even at the embryonic stage of life, first 10 gestational weeks, the two embryo and mother rights are considered as unique within the mother, and mother (with the father) have right for ending the pregnancy, no medical stuff, especially physicians not have any positive correlation about the abortion, except medical emergencies considering the threat of mother's life.
4. **Every preterm newborn, after 20 gestational weeks, have the potential to live, right to life is certainty of active fact.** Unborn rights have to be considered as the Rights of life. The potential is enough and no other reasoning will be required. Even medical indications of termination of pregnancy of the fetus, is encountered, after 20 gestational weeks, the infant have potential to born alive. Therefore, only mother life is in threat, the termination of pregnancy will be discussed, under the utility and compulsory for the mother's Right to life. This medical procedure is compulsory early delivering of the fetus, not termination of the gestation.
5. **All human beings are born free and equal in dignity and rights and because of his physical and mental immaturity, the child,** at every life stages; gestational period: cellular, embryo, fetus, pre-viable and viable fetus and preterm, term infants and infancy and childhood period, needs special safeguards and care, Neonatologist are the advocate of the fetus.
6. **Mother right for termination and abortion is conditioner rights, must be supported medically.** Termination and early delivery of the fetus will not be considered as the autonomy and property and unique rights of the mother. Due to the ethical aspect

“primum non nocere”; family have no rights for harmful medical procedures, treatment or ending the medical applications to preterm and newborn infants. Informed consent will not be giving the permission for neglecting the minor right to life. Medical research must have a positive utility aspect, if contrary happens, the study has to be ended, even informed consent is taken.

7. ***Life will not base on philosophical, social, religion and other cultural aspects, the beginning and death must be only approved concisely by medical Applications.*** “What is life” is not properly countered known and not distinguish how to begin and ending, at the borderline of viable preterm and newborn infants, must be distinguished as viable potential and resuscitation and vital support have to be given, up to obscure death encountered.
8. ***Torture is illicit in every manner.*** Even the preterm infant prone to death, the main reasoning of medical applications and treatment is encountering pain and quality of life, for overcome the discomfort, even the medication have side effects as reducing the life span, must be given, satisfactory and effectively. Keeping in mind that, torture is illicit in every manner.
9. ***The disabled preterm newborn has the right to life, after 20th gestational weeks.*** The live born babies, whether preterm, disabled or malformed, have all the rights of civil privilege, citizen, considering the people, right of the society member, including the right to heir, full respect of his dignity. Therefore, main aspect has to be born alive. They have to register after birth, to be given a name and to acquire a nationality.
10. ***The medical procedures and application leads for health of people and community, and therefore must be evaluated and perceptual procedures have to be taken by the administrations and government. Each preterms, whether healthy or ill, is authorized to the best medical attention, social protection and safety available.*** Every physician and medical staff has main aspect to protect and serve the health of human being, under the perspective of humanity. Each institution, hospital etc. have to form some confrontations of the rights of preterm care and mortality and morbidity reasoning under expertise aspect, for teaching and preventing the conditions, in every manner. Early warning and protection facilities must be considered and precaution must be taken. In the case of the birth of a severely ill newborn (extreme prematurity, malformations or life-threatening abnormalities, etc.) satisfactory, adequate and appropriate treatment must be given, physicians cannot give guaranteed for treatment, but have to be given attention, medical precautions and including palliative care and pain control,
11. ***No human beings have the right for ending the life, even ethical committees and legal courts.*** No interventions for causing to death will be acceptable; even there are some ethic/moral implications of some communities. Death is the process of physiological or pathological condition, medicine is just confirming the death or not. brain death condition will be only taken consideration for transplantation utility actions.

12. ***The medical procedures and application leads for health of people and community, and therefore must be evaluated and perceptual procedures have to be taken by the administrations and government. Every preterm newborn, whether healthy or ill, is entitled to the best care, social protection and safety available.*** Every physician and medical staff has main aspect to protect and serve the health of human being, under the perspective of humanity. Each institution, hospital etc. have to form some confrontations of the rights of preterm care and mortality and morbidity reasoning under expertise aspect, for teaching and preventing the conditions, in every manner. Early warning and protection facilities must be considered and precaution must be taken. In the case of the birth of a severely ill newborn (extreme prematurity, malformations or life-threatening abnormalities, etc.) satisfactory, adequate and appropriate treatment must be given, physicians cannot give guaranteed for treatment, but have to be given attention, medical precautions and including palliative care and pain control,
13. ***Every disabled and malformed infant have the reconstruction medical applications before death.*** After 20th gestational weeks, to have an abnormality; malformations, syndromes etc., will not be taken as reasoning for ending life. Every infant has to right to restructure the abnormality, before death. Due to the facilities, this kind of medical reconstruction applications must be as educational reasoning.
14. ***Medical serve and care is needed cooperative and collaborative study for the best levels of health. Best will be tried to apply and will be transported for suitable intensive care Perinatal/Neonatal centers.*** For best medical care, consultations, joint collaborative medical procedures and treatment must be considered. Most suitable preterm care facilities; I, II or IIIA and IIIB, have to be considered even at the Perinatal period, served by an efficient neonatal transport service for, best medical delivery conditions.
15. ***Every preterm newborn has the right to be taken care with mother, under supervision of medical stuff. Breast feeding have to be noticed the best nutrition for feeding, social support and several other aspects. Especially preterm infants have right breast milk, have to be taken and given, even for small amounts.*** Mother is the main support for perinatal and neonatal care. Family and even the medical stuff have to be psychologically supported by experts. Mother's milk sometimes the only communications between the mother and preterm, even by giving bottle.

Conclusion

Preterm infants after 16th gestational week development, have several cognitive and sensational development, and after 20th gestational weeks, prone for viable. Under the Universal Declaration of Human Rights and Convention on the Rights of the Child, and other universal and national ethic and legal aspects, preterm infants must be considered as people, also in utero, and right to life, not considering the disabled and malformations. We Physicians and medical staffs, obligatory in aspect of ethical concepts; not to give any

harm (primum non nocere) and perform the utility, to serve and to protect the right of life.

NB:

This Statement/Declaration is established the INFORMATIVE ASPECT for the Medical Staffs at the Eskişehir Acıbadem Hospital members, at the NICU. The indications grounded on the Supreme Court of Turkey and America Court Orders and Human Rights Council of Europa. Ethically constructed by the ethical codes. Signs and approved by free will of the NICU members.

SIGNATURES

(Name, Surname and duty at NICU)

Eskişehir, 2016

Hak	Rights, Human Rights
<p>Bireyin varlık gerekçesi olarak, doğal hak ettikleridir Yasal ve etik olarak sahip olması gerekli olan, hak İradesini, otonomisini, kendi bağımsızlığının sonucudur Universal olarak yazılı tanımlanan ve sağlanması zorunlu Kendi yaşamına yön vermesidir hak</p> <p>Başkalarının haklarını kendi haklarını kullanırken çığnemek Haksız fiil ve suç kapsamındadır, adalet dengelemektir Hak, yaşamının ve varlığın yasal kaynağıdır Hakkını kullanan kişiye ceza verilemez Bunun anlamı karışıklık oluşması anlamında olamaz Hak kullanmak, yasal ve etik ilkelere dayandırılmaktadır</p> <p>Zararımızın dokunmaması ilk temel boyut iken Empati yaparak, kendin için istediğini başkasına istemek Bu iki olumlu ve olumsuz dengelemek boyutudur hak</p> <p>Temel yaşam oluşması açısından varlık için yaşam hakkı Tercih ederek, bağımsızlığı ve bilgilendirme ile rıza hakkı Seçme ve seçilme hakkı ile birey olmanın gerekliliği Bunun ötesindekiler de var olmanın ayrımsız hakkıdır Birey olma demek, hepimiz birimiz, birimiz ve hepimizdir Kardeşlik bağı temelinde, insan olarak insanlıktır hakkımız</p>	<p>To be as human is the rights Legal and ethical concepts are the fundamentals Their own autonomies, their liberties Universally under protection of the concepts Civil liberties for consent, s the individual rights</p> <p>The individual and community rights in balancing Equilibrium but core is unique person To serve and care of the civil liberties Not have to be any restrictions for individual rights Not leading any chaos, because all in balance The legal and ethical codes are complementary Grounding on humanity fundamentals</p> <p>Primum no sera is the basic application Empathy is the proposed act The positive and negative is the limits</p> <p>To be is the right for live The consent based on the information The free will and choice is the premium right To be own himself/herself</p> <p>Brotherhood is the relation and cooperation One for all, all for one is the basic rights to be society</p>
Prematüre Günü 2016	The Day of Preterm, 2016