

Declaration of Barcelona on the Rights of Mother and Newborn

The WORLD ASSOCIATION OF PERINATAL MEDICINE (WAPM), together with other national and international associations of Perinatal Medicine, Obstetrics, Paediatrics and Neonatology and the collaboration of Academies, Associations, Foundations, Institutes, Centres and Humanitarian Organisations all over the world whose aims are the defence and promotion of the rights of women and newborns, has decided, on the occasion of the 5th WORLD CONGRESS OF PERINATAL MEDICINE to be held in Barcelona (23-27 Sept. 2001), to make an INSTITUTIONAL DECLARATION, which has been named "Declaration of Barcelona on the Rights of Mother and Newborn".

The purpose of this declaration is to make sure that, in the 21st century, the human reproductive process may take place, anywhere in the world, in good physical, mental and social conditions, both for mother and child, overcoming the current imbalance.

In recognition of this, the members of the WORLD ASSOCIATION OF PERINATAL MEDICINE, together with the mentioned institutions, exhort all supranational political and health organisations, the governments of all the countries in the world, the legislators of the democratic Parliaments and non-governmental organisations (ONGs), and any public and private institutions whose purpose is the assistance to the reproductive health of Humanity, to take into account and respect, promote and put into practice this Declaration.

DECLARATION OF MOTHER'S RIGHTS

- 1. Maternity must be of free choice.** Each individual woman has the right to decide the best time to have children, the time interval between siblings and how many she wishes to have. The use of efficient contraceptive methods must be accessible to every woman.
- 2. All women have the right to receive adequate education and information on reproductive health, pregnancy, delivery and newborn care.** The Health Services and professionals have the obligation to provide such education to both the woman and her partner and should promote the attendance of both parents to preparatory courses as an integral part of prenatal care.
- 3. All women have the right to be guaranteed by the government of any country in the world a correct assistance and a pregnancy without unnecessary risks.** All women have the right to an adequate Health System and protective measures during pregnancy. Health services during pregnancy must be quality ones and must have sufficient resources. Obstetric care has no frontiers. Obstetric care must bear in mind the respect for the diversity of cultures and beliefs.

4. **All women have the right to receive adequate information on technological procedures and advances available for diagnosis and therapeutics, applicable to pregnancy and delivery** and must have access to the safest procedures available. All pregnant women have the right to receive information on the available procedures of prenatal diagnosis. Their decision as to the performance of such tests must be a free, informed decision.
5. **All women have the right to adequate nutrition during pregnancy.** The woman's nutrition must allow her to receive all the necessary nutrients both for the correct growth of the child and for the good of her own health.
6. **All working women have the right not to be rejected during or because of a pregnancy.** Access to and continuity in the working world must be guaranteed to all women without this being a matter of discrimination due to her pregnancy. The right to maternity must be protected by the governments' labour laws in such a way that it guarantees maternity leaves and adaptation of the working schedule, without this affecting her salary or involving a risk of losing the job. Mothers have the right to breastfeed their children during work hours.
7. **All women have the right not to suffer discrimination, penalisation or social exclusion due to having voluntarily interrupted pregnancy.**
8. **The right to maternity cannot be limited on the grounds of social structure.** Both single parent families and families where two parents exist have the same rights regarding maternity.
9. **Every mother has the right to share responsibility with the father, as much concerning decisions and regarding the reproductive process. The father has responsibility for respecting the woman's decision.** All women have the right not to be forced or coerced by their partner concerning maternity. The decisions concerning reproduction within a couple is a right that must be exercised with equity and co-responsibility between the man and the woman.
10. **All women have the right to be informed of the benefits of breastfeeding and encouraged to start it right after delivery.** However, all women have the right to freely choose which form lactation should take without being socially or culturally prejudiced.
11. **All women have the right to participate in the decision-making process (diagnosis and therapeutics) which may affect both her and her fetus.** All decisions must be free, informed decisions.
12. **Those women who give birth at an institution have the right to decide on the clothing (of her own and the newborn), food, destiny of the placenta and other practices which are culturally important for the individual.** All women have the right to be with their babies at all times, while in hospital, provided their health state allows it.
13. **Those pregnant women with drug addiction, AIDS or other medical or social problems that might provoke their exclusion from society have the right to specific help programmes.** Immigrant pregnant women have the right to be assisted in the same conditions as the women from the host country.
14. **All women have the right to their intimacy** and health professionals have the duty to respect the right to confidentiality.

We health professionals should not accept the lack of resources as an excuse not to advance in the accomplishment of the rights of reproductive health of women and, in general, of societies.

DECLARATION OF THE NEWBORN'S RIGHTS

1. **The universal declaration of human rights refers to all stages of life.** All human beings are born free and with the same dignity and rights.
2. **The dignity of the newborn, as the human being he/she is, is a transcendent value.** Newborns must be protected in accordance with the Convention of the Rights of the Child.
3. **Every newborn has the right to life.** This right must be respected by all people and governments without discriminating on the grounds of race, sex, economy, geographical place of birth, religion or any other. States should take the necessary measures to protect children from discrimination.
4. **Every newborn has the right for its life not to be put at risk due to cultural, political or religious reasons.** Nobody has the right to carry out any action whereby the newborn's health is put at risk or his/her physical integrity is affected, be it in the short or in the long term. Under no circumstances may any mutilation be justified.
5. **Every newborn has the right to a correct identification, filiation and a nationality.** The state must guarantee this right to the same extent as for any other person at any age in life.
6. **Every newborn has the right to receive sanitary, affective and social care which will allow him/her to undergo optimal physical, mental, spiritual, moral and social development later in life.** The Society is responsible for the compliance of all requisites so that this right is respected. No medical act should be carried out without the informed consent of the parents, given the lack of autonomy of the newborn, and only emergency situations are excluded from this at which the physician is forced to act in defence of the child's best interests and there is no possibility of any intervention by the parents or guardian. There must be equity of attention and absolute rejection of all forms of discrimination, irrespective of economic or social class.
7. **Every newborn has the right to correct nutrition, which guarantees his/her growth.** Maternal lactation must be encouraged and facilitated. When it is not possible for the mother to breast feed, be it for personal, physical or psychological reasons pertaining to the mother, correct artificial lactation must be facilitated.
8. **All newborn has the right to correct medical care.** Children have the right to enjoy the highest degree of health and to have access to medical, rehabilitation and preventive services. The states must take all necessary measures aimed at abolishing traditional practices, which are detrimental to the health of the child. Governments must take care of both pre and post natal health care.
9. **A pregnant woman carrying a foetus with anomalies, which are incompatible with life has the right to continue with the pregnancy or to choose to terminate pregnancy within the legal limits of each individual country if they so wish.** If the foetus should actually be born, futile therapeutic measures should not be applied to the newly born.

10. **It should not be attempted to keep alive any newborn whose immaturity is greater than the lowest limit of viability.** In these cases, the geographical, social and economic situation of the place of birth will be taken into account when applying the right to justice. In extreme cases, the parents will have to be informed and participate in the decisions before the birth whenever possible.
11. **Every newborn has the right to take advantage of the measures of each country regarding social protection and safety.** This right refers as much to measures of protection and care in health as to the legal field.
12. **The newborn may not be separated from its parents against their will.** In cases in which there is evidence of abuse, and these circumstances indicate that the life of the newborn is at risk, the appropriate legislative and administrative measures shall be taken in order to guarantee the child's protection, even if this means separating the child from its parents. This norm will be applicable during the newborn's stay in hospital.
13. **In case of adoption, every newborn has the right to be adopted with maximum guarantees.** In states where adoption is recognised, the interest of the child must always prevail and all necessary guarantees that adoption is admissible and that all authorisations from the empowered authorities have been obtained must be guaranteed. Under no circumstances shall the sale of organs be justified.
14. **All newborns and pregnant women have the right to protection in countries where armed conflict is present.** In these situations, maternal lactation must be promoted and protected.

The newborn is a person with specific rights which it cannot demand itself due to its physical and mental immaturity. These rights impose a series of obligations and responsibilities on society, which the legislative and executive institutions of all countries must enforce.