Judge rules that baby boy should not be allowed to die

Clare Dyer *legal correspondent, BMJ*

A judge at the High Court in London last week refused to rule that an 18 month old boy with type 1 spinal muscular atrophy be allowed to die, against the unanimous opinion of medical experts involved in the case.

Mr Justice Holman ruled that it would not be in the best interests of the boy, named only by his initials MB, to be taken off the ventilator that is keeping him alive.

The case is the first in which a trust has sought a declaration that life support for a child who is assumed to have normal cognitive functioning should be stopped. Other cases have involved children with brain damage.

MB, who was described by a consultant paediatric neurologist

as "the most severely affected child with SMA [spinal muscular atrophy] that I have personally seen," is almost completely paralysed. He can move his eyes and make "barely perceptible" movements with his eyebrows, the corners of his mouth, thumbs, and toes.

He cannot cry, breathe, or swallow and is kept alive by artificial ventilation through an endotracheal tube and is fed through a gastrostomy tube. The judge said he would probably die within a year.

Eight consultants in the team caring for MB told the court that he was suffering discomfort, distress, and pain from the medical procedures to which he was subjected. They said he had "an intolerably poor quality of life, and this will only get worse."

Their opinion was backed up by other expert witnesses and by the guardian appointed to represent the child's interests in court, who agreed that the burdens of his existence outweighed the benefits.

But the judge heard from the boy's parents that he enjoyed lengthy visits from them and liked having his brother and sister sing to him and play tickling games with him, watching videos, and listening to music CDs.

Mr Justice Holman said he was "not persuaded, even taking into account predicted future deterioration, that it is currently in the best interests of MB to discontinue ventilation with the inevitable result that he will immediately die."

However, he said that the boy should not be subjected to further procedures requiring the positive infliction of pain: cardiopulmonary resuscitation, electro-

cardiograph monitoring related to cardiopulmonary resuscitation, intravenous antibiotics, or blood sampling.

The judge said he accepted that MB's life was "helpless and sad," with "almost relentless discomfort, periods of distress, and relatively short episodes of pain."

But he continued to have a relationship with his family and continued to gain pleasure from touch, sight, and sound. Those benefits were "precious and real" and were the only benefits the child was "destined to gain from his life."

The unnamed NHS trust in the north of England said it would "consider the details of the ruling and how best to care for MB in the light of this decision, continuing to act in his best interests."

The Royal College of Paediatrics and Child Health said it accepted the judgment as helpful in clarifying what should be done in "incredibly rare and difficult cases." □

Project retrains prostitutes as care workers for elderly people

Katy Duke *Berlin*

A new project in Germany is retraining prostitutes to become care workers for elderly people.

The state of North Rhine-Westphalia is using €1m (£0.7m; \$1.2m) of local and European Union money to try to get sex trade workers off the street and into care homes.

Heinz Oberlach, from Germany's Federal Labour Agency, said that using prostitutes as care workers is "very logical," as the nursing home sector is seriously understaffed and has some 6400 vacancies nationwide—despite a national unemployment rate of 12% in Germany. Reasons for the shortage include a recent clampdown on Eastern Europeans working illegally as care workers and the reluctance of Germans to take on the work.

"It all fits together like pieces of a puzzle," said Mr Oberlach.

Rita Kuehn is from Diakone Westfalen, a Protestant welfare programme that runs nursing homes across the country and

that is behind the novel retraining scheme. She said, "It was an obvious move."

She believes that prostitutes make excellent carers as they have "good people skills, aren't easily disgusted, and have zero fear of physical contact."

"These characteristics can set former prostitutes apart from trainee nurses," she said.

She added, "However, nursing home bosses will have to be discreet so that elderly men don't try to get more than they are paying for."

Diakone Westfalen plans to offer 30 prostitutes between the ages of 20 and 40 the chance to train for a new career, with two years of courses and vocational training.

A former prostitute, Gisela Zohren, 56, is helping to get the project started. She works at the Midnight Mission, a help centre for sex workers in Dortmund. She says life is getting tougher on the streets, and at least half of the women she meets want to leave the sex business.

Ms Zohren estimates that at least 50 000 prostitutes work in North Rhine-Westphalia alone, many having come from Eastern Europe and South America, as well as many locals who are forced to walk the streets because of a lack of other employment options. She said,

One care worker who used to work as a prostitute, like the women pictured above, said, "All I really had to change was the outfit"

"The job situation is miserable. No one can make any money any more, and the prostitution market is flooded."

Ms Zohren left the streets in the late 1990s to become a care worker before returning to help the women she left behind. "When I started looking after old men instead of young men, I found there were many similarities. Most men just want a nanny. All I really had to change was the outfit."

And she found that looking

after women was just as natural. "Prostitution taught me to listen and to convey a feeling of safety," she said. "Isn't that exactly what's missing so much in care for elderly people?"

To try to alleviate the concerns of any potential employers, Ms Zohren and other project coordinators are to go on a road show around the state in the coming weeks.

She said: "The people we talk to need to realise that prostitution can offer valid qualifications." □