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A gathering storm

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Elizabeth Prochaska looks at birth rights in the United Kingdom

Only five years ago, few had heard of the concept of human rights in childbirth. While access to life-saving maternity services had been cast in terms of maternal rights, human rights law had rarely been recognised as a source of respectful care or choice in childbirth.

Then in 2011, the decision of the European court of Human Rights in Ternovszky v Hungary, enshrining women's right to choose where to give birth, ignited the human rights in childbirth movement that has now taken off around the world. Organisations have formed in Europe, the United States, South America and Australia to promote women's birth rights. In September, the World Health Organisation[1] issued a statement, inspired by the White Ribbon Alliance Charter for Respectful Maternity Care, on the prevention and elimination of disrespect and abuse during childbirth and recognised that dignified and respectful care are essential to women's health.

The attraction of human rights to campaigners seeking to improve maternity care lies in its universality and the practical, legal strength of human rights values of dignity, autonomy and equality. These values offer a powerful means to improve maternity care. The notion of dignity enriches relationships between women and caregivers by focusing on basic principles of human worth, autonomy, respect and compassion. As a legal principle enshrined in human rights law, dignity has real teeth, compelling respectful healthcare that takes account of every individual's choices. Human rights do not prioritise one way of giving birth over another – a decision to freebirth or a choice of caesarean section are both recognised as choices that reflect each individual woman's autonomy and vision of a good birth. As more recent judgments of the European court show, including Konovalova v Russia[2] on the participation of medical students during birth, the fight for birth rights is likely to intensify and take in multiple aspects of women's birth experiences.

In the United Kingdom, AIMS has been promoting women's rights in childbirth for many years. Since 2013, it has been joined by birthrights, which was founded with the explicit aim of using human rights law to promote the rights of pregnant and birthing women. In its first two years, birthrights has advised hundreds of individual women and health professionals on the law relating to maternity care. Enquiries to birthrights reveal that many women in the UK do not have access to services of their choice and face disrespectful and obstructive treatment when they challenge the care that they are offered.

The birthrights Dignity Survey in October 2013 showed that childbirth can have a profound impact on

women's self-respect and relationships with their babies and partners. As the White Ribbon Alliance[3] has said 'women's experiences with caregivers can empower and comfort or inflict lasting damage and emotional trauma.' Respectful care during birth is fundamental to ensuring that women enter motherhood with resilience.

In 2015, birthrights will continue to promote women's rights through advice, training and research. It is collaborating with Bournemouth University on a project to investigate the experiences of women with disabilities, who are known to face particular obstacles to respectful maternity care. In the spring, the British Institute for Human Rights and birthrights will be publishing a Human Rights Guide for Midwives. The Guide will provide indepth explanation of human rights principles and the law illustrated with case studies based on enquiries that birthrights has received. It will be made available to every midwife in the country and training will be offered by birthrights and the BIHR (British Institute of Human Rights) to NHS Trusts. The Guide and the principles it espouses offer one means for midwives and the women they care for to challenge the culture of depersonalised care and to put meaning back into that often hollow phrase, 'woman-centred care'.

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References

1. World Health Organisation (2014) Statement on the prevention and elimination of disrespect and abuse during childbirth. WHO
2. European court of Human Rights (2014) Konovalova v Russia
3. White Ribbon Alliance (2011) The Respectful Maternity Care Charter.whiteribbonalliance.org