

Presentation from AIMS Ireland 23.11.17
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1. The 8th amendment hangs like a spectre over the Irish Maternity services. It affects everyone who takes decisions related to women's care and every maternity service user and their families. Aims Ireland estimate that over 100,000 people are affected by the 8th amendment in the maternity services in Ireland each year. We believe the 8th is incompatible with a 21st century maternity service that is fit for purpose. The right to exercise one's autonomy is a human right.

2. Philomena has shown how the 8th Amendment is treated in the HSE's consent policy. This is reinforced by the National Maternity Strategy, and I quote:

"Where an assessment is made that the informed refusal would not threaten the life of or have a deleterious effect on the baby, then the woman's choice of informed refusal should stand. However, where there are implications for the health or life of the baby, as defined by her team of health care professionals, then the HSE's National Consent Policy recommends that legal advice should be sought."

3. In March 2013, a woman in Waterford - Mother A - was looking forward to her new baby. Her partner was out of the country and she was sure that he would make it for the birth, as she had at least two weeks left on the clock, or so she thought. Not according to her consultant, who felt that by holding off on an induction by C-section, she was putting the life of her baby at risk, because, in his opinion, she was past her due date. An application was duly made to the High Court for a forced sedation and forced C-section, with Mother A being given free legal aid. As the judgement was due to be read out Mother A later 'consented' to the C-section. A consent given under extreme duress.

Feedback from women tell us that this case is routinely held up and referred to by hospital staff wanting to ensure pregnant women comply with hospital induction policies, and hospital patients are quite routinely told "if you don't come in for your induction the guards will be called out on you".

So the spectre of this and other cases hangs over other women every day compounding the anxiety and fear that many women may feel about giving birth.

4. Nearly 3,000 women took part in our latest survey. As many as 38 per cent stated that their consent was not sought for tests and procedures **during pregnancy**. Half of all those surveyed said they were not given any opportunity to refuse such diagnostics or interventions. One woman in every three reported that tests and procedures were carried out during **labour and birth** without their consent. Again, half of all those who responded reported that they were given no opportunity to refuse such diagnostics or interventions during labour and birth.

5. While these statistics may appear shocking, the reality behind them is even worse. One woman explained that most interventions were presented as a given. “We have to do such and such” was how staff presented them, ruling out the possibility that a woman might have any input into the decision as to what was going to be done to her body. Another said she felt ‘badgered’ into submitting to a syntocinin drip, which, as Philomena has pointed out, has been associated with fetal deaths. A third said that when she and her husband questioned tests, they were told they were putting their baby’s life in danger.

6. The emotional effect of being coerced or being unable to participate in your own care has been shown to influence mental and emotional wellbeing in the postpartum, leading to conditions such as anxiety, depression and PTSD.

7. Women need to be supported, and treated with kindness and compassion when they are having a baby. Instead of being coerced into unwanted interventions, they should be given the evidence they need to exercise informed consent. We cannot begin to work towards this human rights standard in maternity care unless the 8th Amendment is repealed in its entirety.