

TO: Frances Fitzgerald, Minister for Justice, Tánaiste's Office, Department of Justice and Equality, 51 St Stephens Green, Dublin 2

From: Midwives for Choice

By Email: minister@justice.ie

Date: 18 May 2017

Dear Minister,

We write to express our concerns about the government blocking the bill brought by Clare Daly, Independent TD, to guarantee a coroner's inquest into all unexpected maternal deaths.

Every maternal death is a devastating tragedy with life-long consequences for the families involved. Inquests are critical as they are the only public process for the families of women who die unexpectedly before, during or after childbirth, to fully understand how and why the death happened. Compounding their loss, bereaved families of women who have died in maternity hospitals have had to battle over intolerable lengthy periods to be granted an inquest and some have never succeeded. Consequently, they have been campaigning for this legislation for several years.

Article 2 of the European Convention on Human Rights guarantees the right to life. The right to life imposes an obligation on public authorities to independently investigate the unexpected death of a woman before, during or after childbirth where the hospital may be implicated. Internal investigations by the HSE are no substitute for a coroner's inquest in open court. While maternal deaths are followed up by internal review in line with hospital and HSE mechanisms, the reports of these internal reviews are not made publicly available as standard practice. Furthermore, the HSE has been shown to resist a genuine policy of open disclosure, its threat to take HIQA to court over its report into the deaths of babies at Portlaoise hospital being just one example.

Identifying contributing mistakes to be acted upon so that the safety of maternity services can be secured is a crucial element of the inquest process. You will be well aware that recommendations are made by the jury or by the coroner following each inquest about how to prevent similar deaths in the future.

Approximately eight women die each year in our maternity services, and the cost of mandatory maternal death inquests is approximately €160,000 annually. This is a truly minimal sum per year for the crucial work of a public inquest when a woman dies in our maternity services.

The provision for mandatory inquest into each maternal death fulfils the right to life. Independent investigation by way of a coroner's inquest is also critical for providing a reliable instrument for families and the public to get to the core of what happened and to ensure that lessons are learned so that clinical and care practices are improved.

We understand you have advised that a separate measure putting inquests into maternal deaths on a mandatory footing will be included in a civil law bill to be published before the summer recess. We are concerned to know that this will be done and would be glad if you would confirm whether the government had started the process of preparing this measure to be achieved on time.

We look forward to your urgent response to our concerns.