

## MODULE 13

# Your Rights In Pregnancy and Childbirth





“WOMEN SHOULD NOT LOSE THEIR BASIC HUMAN RIGHTS  
... once they become pregnant.” <sup>1</sup>

The VBAC Education Project acknowledges that not all pregnant people identify as women or mothers. No matter one's gender identity or family unit, no one should lose their basic human rights once they become pregnant.

<sup>1</sup> Human Rights in Childbirth. (n.d.). Women at the centre of maternity care. Everywhere. <http://humanrightsinchildbirth.org/>

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You have the right to choose how, where, and with whom you want to give birth. To make decisions that are right for you, it's important to have evidence-based information about the benefits and risks of the care that is being recommended.

# You Have the Right to Informed Consent:

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“Informed consent for medical treatment related to reproductive health services and childbirth is a fundamental human right. Women have the right to receive full information about recommended treatments so that they can make informed and well considered decisions.”

United Nations General Assembly. (2019, July 11). A human rights-based approach to mistreatment and violence against women in reproductive health services with a focus on childbirth and obstetric violence. [https://eipmh.com/wp-content/uploads/2019/09/UN\\_Res.71170..pdf](https://eipmh.com/wp-content/uploads/2019/09/UN_Res.71170..pdf)

## Obtaining Your Informed Consent is a Legal and Ethical Requirement.

American College of Obstetricians and Gynecologists. (2021, February). Informed consent and shared decision making in obstetrics and gynecology. Committee Opinion Number 819. <https://www.acog.org/clinical/clinical-guidance/committee-opinion/articles/2021/02/informed-consent-and-shared-decision-making-in-obstetrics-and-gynecology>



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Failure to provide informed consent during pregnancy and childbirth is a violation of a woman's fundamental human rights.

United Nations General Assembly. (2019, July 11). A human rights-based approach to mistreatment and violence against women in reproductive health services with a focus on childbirth and obstetric violence. [https://eipmh.com/wp-content/uploads/2019/09/UN\\_Res.71170..pdf](https://eipmh.com/wp-content/uploads/2019/09/UN_Res.71170..pdf)



# What Is Informed Consent?

- Informed consent is a process, including multiple conversations during prenatal care and childbirth, which provide you with information that helps you decide on the care you wish to receive.
- Before you agree to any treatment, drug, or procedure that are recommended by your caregivers, they need to share evidence-based information with you.
- This should include the benefits, risks, and alternatives to the recommended care.
- You have the right to refuse any procedure or treatment, including a routine repeat cesarean section.





- ☞ You have the right to move freely and change positions during labor and birth.
- ☞ You have the right to have family, friends, and professional emotional support (doula) for labor and birth.

Childbirth Connection. (n.d.) The rights of childbearing women.  
<https://www.nationalpartnership.org/our-work/resources/health-care/maternity/the-rights-of-childbearing-women.pdf>



# Respectful Maternity Care:

Your caregivers should treat you with dignity and kindness while respecting your autonomy, values, and cultural traditions when providing care.

White Ribbon Alliance. (n.d.) Respectful maternity care: The universal rights of women & newborns. [https://whiteribbonalliance.org/wp-content/uploads/2022/05/WRA\\_RMC\\_Charter\\_FINAL.pdf](https://whiteribbonalliance.org/wp-content/uploads/2022/05/WRA_RMC_Charter_FINAL.pdf)





# What Is Meant by Informed Refusal?

- ☛ You are the person who decides what is acceptable to you and what is not.
- ☛ If, after receiving the information you need, you agree with your care provider's recommendation, it means you consent. If you don't agree, then you do not consent.
- ☛ You have the right to refuse any treatment for yourself or your baby. This is called the right of informed refusal.

American College of Obstetricians and Gynecologists. (2021, February). Informed consent and shared decision making in obstetrics and gynecology. Committee Opinion Number 819. <https://www.acog.org/clinical/clinical-guidance/committee-opinion/articles/2021/02/informed-consent-and-shared-decision-making-in-obstetrics-and-gynecology>



# The choices you make may be very different than those preferred by your caregiver, but the decisions are **yours to make.**

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“... the information and options that a physician shares with patients during the informed consent process are often a reflection of the physician's own values, priorities, and culture, and that these do not always align with the values, priorities, and culture of their patient population.”

American College of Obstetricians and Gynecologists. (2021, February). Informed consent and shared decision making in obstetrics and gynecology. Committee Opinion Number 819. <https://www.acog.org/clinical/clinical-guidance/committee-opinion/articles/2021/02/informed-consent-and-shared-decision-making-in-obstetrics-and-gynecology>



# Being Informed Before You Consent to Treatment is Important:

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- ☞ While experiencing labor it is difficult to advocate for your birth preferences and needs. It is difficult to argue against hospital protocols and routine interventions that you may not want.
- ☞ You can choose to have a “gentle” cesarean with immediate skin-to-skin contact with your baby and include that choice in your consent for surgery – if you plan ahead.
- ☞ Some of the decisions you make during pregnancy and childbirth may increase or decrease your chances of having another cesarean.



# Being Informed Before You Consent to Treatment is Important:

- ☞ Healthy women and birthing people are still subjected to routine — but ineffective and potentially harmful — procedures during childbirth.
- ☞ Their needs, values, and preferences are not always acknowledged.
- ☞ Their right to bodily autonomy is not always respected.

World Health Organization. (2018). WHO recommendations: Intrapartum care for a positive childbirth experience. <https://apps.who.int/iris/bitstream/handle/10665/260178/9789241550215-eng.pdf>



- ☛ Many maternity care professionals do not provide evidence-based care (practice based on the best available evidence and a person's values and preferences).
- ☛ Educating yourself about your rights and birth options can lower your odds for birth-related complications.



# You Have the **Right** to Obtain Your Medical Records:

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- ☛ Under federal law (HIPAA: The Health Insurance Portability and Accountability Act) you have the right to see and get a copy of your medical records.
- ☛ You do not need a caregiver's referral to access your hospital file or your operative record (description of your cesarean section).
- ☛ Under federal law you have to receive a copy of your records within 30 days of making a request.
- ☛ The birthing facility can charge a reasonable fee for copying records.

Office of the National Coordinator for Health Information Technology and U.S. Department of Health and Human Services. (n.d.). Your health information, your rights. [https://www.healthit.gov/sites/default/files/YourHealthInformationYourRights\\_Infographic-Web.pdf](https://www.healthit.gov/sites/default/files/YourHealthInformationYourRights_Infographic-Web.pdf)

# Hospital Consent Forms:

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- ☛ A hospital consent to treatment form is a legal document.
- ☛ It requires that your care provider explain the recommended medical treatment or procedure, including its risks, benefits, and alternatives.
- ☛ By signing the form, it is implied that you have made an informed decision agreeing to the treatment that may be provided to you.



# You Have Treatment Options:

- ☛ You can agree to get some or all of the treatments suggested to you.
- ☛ You can express your consent or refusal for treatment verbally or in writing.
- ☛ Once you sign the form, your care provider can provide you care.



# Birth Preferences Form: How Would You Like to be Cared For?

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- ☞ Most birthing families have important, and very personal, preferences about how they want to give birth and who they want to support them during labor and delivery.
- ☞ These prenatal discussions will help your care provider better understand your values, preferences, and needs.
- ☞ If you have preferences for a cesarean section, discuss them during pregnancy.
- ☞ Document your birth preferences so that all members of your birth team are aware of them.



# Have an **Open Discussion** with Your Care Provider During Your Prenatal Visits:

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- ☛ During your pregnancy, you should have several discussions about the benefits and risks of VBAC and a repeat cesarean.
- ☛ Ask your caregiver about his/her VBAC rate, repeat cesarean rate, and VBAC success rate.
- ☛ You should have time to discuss what preparations are in place to respond to an obstetric emergency, including a uterine rupture.

# Build a Relationship of Mutual Respect with Caregivers.

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Try to explain your needs:

- 🗣️ Ask “Can you work with me on that? It’s really important to me.”
- 🗣️ Ask “What are your views about interventions?”
- 🗣️ Are “Are you willing to be flexible about your standards?”



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- ☞ Sometimes parents discover that they disagree with their caregivers about things that are important to them. Although everyone wants a safe birth, caregivers may not have the same beliefs about how to achieve that goal.
  - ☞ Occasionally, parents and caregivers cannot work out their differences and birthing families may need to change caregivers.

# It's Your Decision:

- ☛ The decision to have a repeat cesarean or labor for a VBAC is yours and should be respected.
- ☛ No provider should frighten or coerce you into having a repeat cesarean.


American College of Obstetricians and Gynecologists. (2021, February). Informed consent and shared decision making in obstetrics and gynecology. Committee Opinion Number 819. <https://www.acog.org/clinical/clinical-guidance/committee-opinion/articles/2021/02/informed-consent-and-shared-decision-making-in-obstetrics-and-gynecology>





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Being informed about your rights during pregnancy and childbirth – and discussing your options with your care team – will give you the power and confidence to plan the birth you want.



# Key Points to Review:

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- 👂 Being pregnant does not change your basic legal rights.
- 👂 You are the key decision-maker during pregnancy and birth. You decide what you want for yourself and your baby.
- 👂 You can accept — or refuse — any advice, drug treatment, or medical procedure offered to you, even if it may endanger the health of your baby.

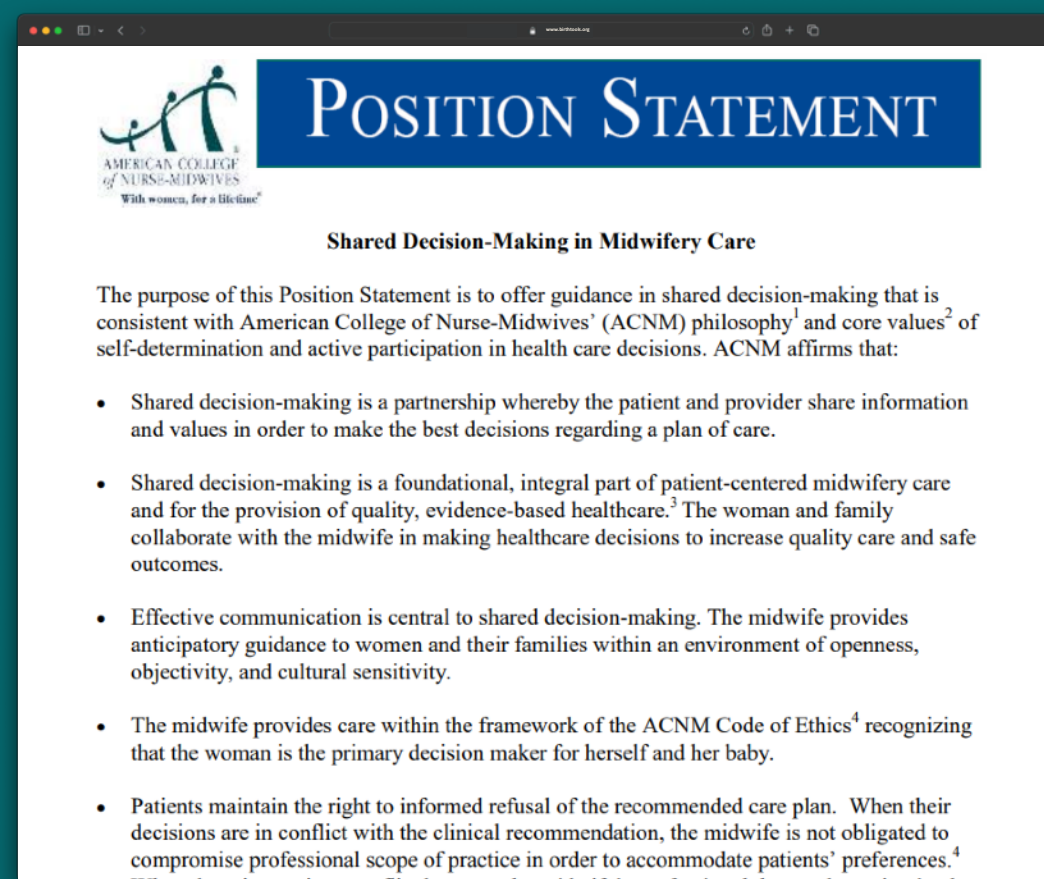


# Checklist for Parents

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- ☛ Prenatal visits give you the opportunity to have frank discussions with your caregiver about your concerns and how you will be cared for.
- ☛ Ask your caregiver about your rights to informed consent and informed refusal.
- ☛ Start a conversation with your caregiver and ask questions to get the information you need.
- ☛ Try to keep a balanced, open-minded attitude. Remember that most births turn out safely, no matter how a baby is born.
- ☛ Birth is usually very safe, but every birth is different. It's important to be flexible and consider all your options because different situations call for different actions.

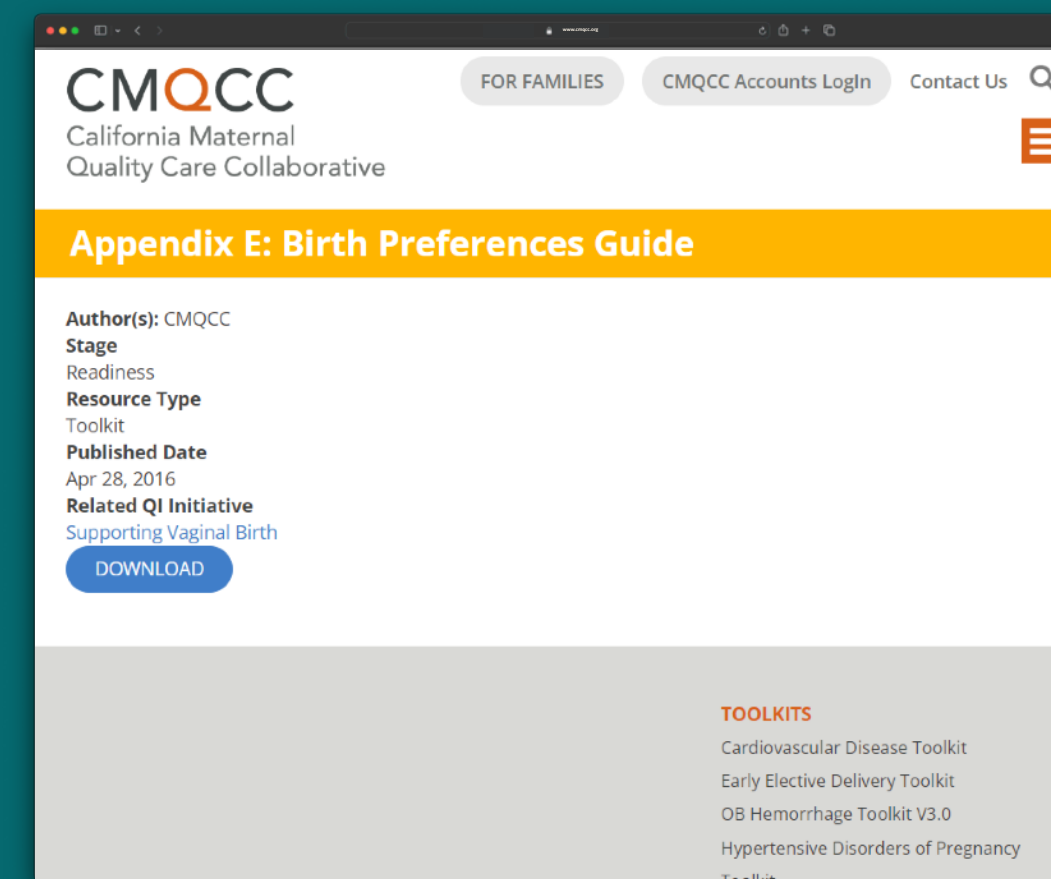
# Resources



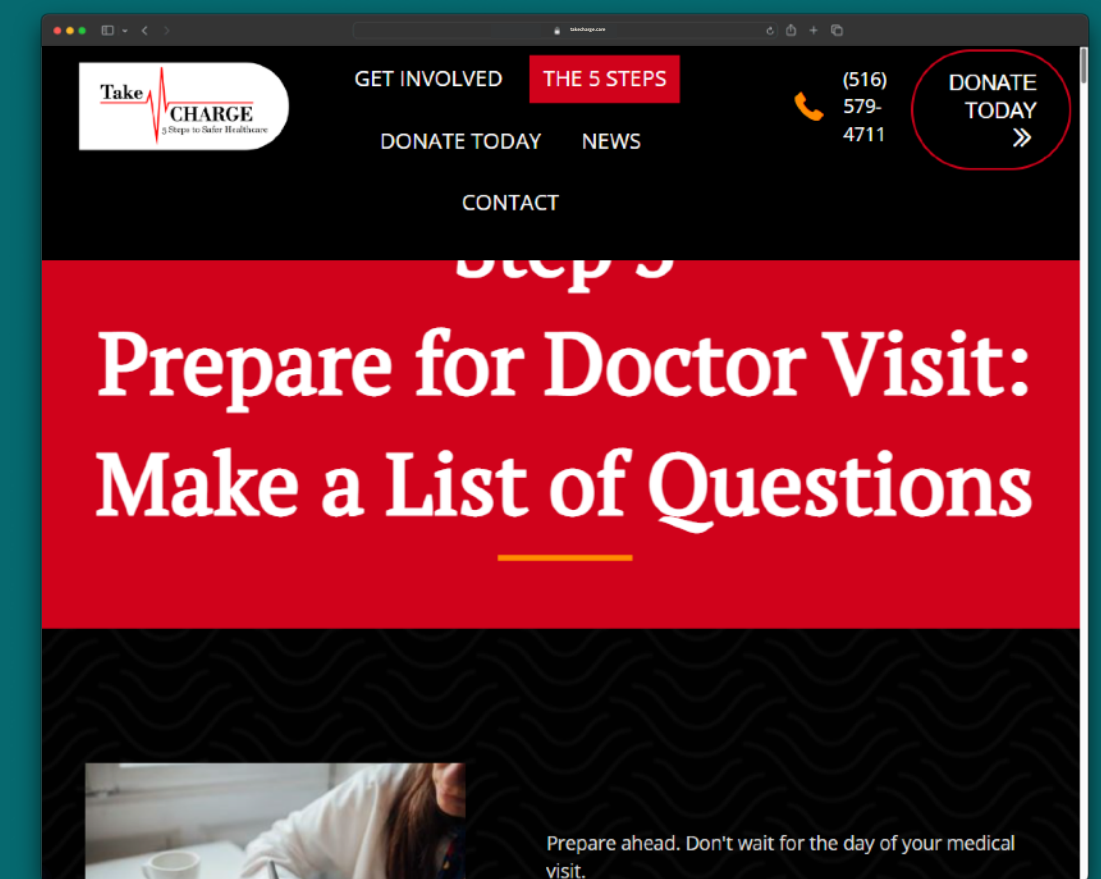
[American College of Nurse Midwives](#)



[Office of the National Coordinator for Health Information Technology and U.S. Department of Health and Human Services](#)



[California Maternal Quality Care Collaborative](#)



[TakeCHARGE: 5 Steps to Safer Healthcare](#)