

Justice dictates that pregnant woman has caesarean against her will in Rio Grande do Sul

The ruling was issued after examination pointing out that mother and baby were at risk. Doula says pregnant wanted to accomplish natural birth and was accompanied.

Translated from <http://g1.globo.com/rs/rio-grande-do-sul/noticia/2014/04/justica-determina-que-gravida-faca-cesariana-contra-vontade-no-rs.html>

The Court of Rio Grande do Sul determined that a 29 year old woman, 42 weeks pregnant should be subjected to caesarean section, against her will, at a hospital in Torres, on the northern coast of the state. The coercive measure was issued late on Monday (31 March) after a medical meeting of the Hospital Nossa Senhora dos Navegantes . Adelir Carmen Lemos de Goés ended up having a daughter on Tuesday (1). Both are doing well.

Stephany Hendz , the doula due to attend the birth, said the tests indicated no risk and the woman refused to stay in the hospital . "We had no staff to do a home birth, but the mother wanted it to be natural childbirth in a hospital. An induced labor like this can be dangerous, because it forces the woman's uterus. Plus a third Cesarean is very risky "s he told G1. Adelir is already the mother of a 7 year old boy and a 2 year old girl . Besides the three pregnancies, she had had a miscarriage .

However, according to the courts, following a medical assessment the pregnant woman could not have a normal birth because the child was in the breech position, and the baby and the mother were at risk .

"It was found that the baby was in the breech position, a cesarean being necessary, medically indicated. The mother wanted to leave the hospital to give birth at home and signed a waiver" said the judge who issued the decision, Liniane Mog da Silva.

Accompanied by a doula , the mother signed a waiver which claimed the desire to be hospitalized. "They humiliated us by saying that she was at risk. But her blood pressure was great, and the baby was fine. They denied us a second opinion" added Stephany Hendz saying that the mother wanted to perform an ultrasound at another institution. " They claimed that we were intending to have a home birth , but that was not what we wanted ," she maintained.

Adelir's husband Emerson Lovari says that the woman had problems during her second birth, and the couple was alarmed by the experience. "We were opting for natural childbirth . She was nine centimeters dilated, was getting there " lamented the man who lives in the neighborhood Campo Bonito, rural town.

According to a statement from the Hospital Nossa Senhora dos Navegantes, the woman had low back pain and abdominal pain. After clinical examination, the doctor in charge stated the need for immediate caesarean section to preserve the life of the patient and the baby. "Contrary to the diagnosis and requiring the attainment of normal birth, the patient signed a liability waiver and returned to her residence, where she would wait for the start of his labour, as reported to the staff on duty," said the letter .

According to the hospital, the Department of Health was informed of the case in order to preserve "the integrity and health of the mother and baby." The court

then filed a protection measure with request for guardianship requiring the patient be escorted to the hospital.

"As the case involved the interest of a minor, because of the risk to life not only for the mother but also for the baby, the hospital informed the prosecutor, who filed for protective measures. These were granted and compliance by the justice officials was done gently, with the military police only following to ensure safety," added the Judge Liniane.

"I anticipate custody to first ensure the coercive referral to the Hospital Nossa Senhora dos Navegantes, so that pregnant women receives adequate medical care to guard the life and physical integrity of the unborn, including the completion of cesarean delivery, if that is the medical recommendation at time of service "says the text of the ruling.

According to Adelir, they reached a hasty decision. "Two Military Police cars came and an ambulance to take us from our house. I was very anxious. I was all but handcuffed," she said, alleging verbal abuse by police.

The patient was admitted again to hospital at 2:40 a.m. Tuesday (1), led in by the bailiff . She was already in labour. The baby girl was born at 3:10 a.m. According to the hospital records, the surgical procedure was performed successfully, without complications, and mother and baby are doing well.

"I'm going to sue the hospital and doctor for sure. Imagine, you are at home with children, the police enter and you are treated as a criminal," complained the father.

According to judge Liniane, the Constituição guarantees the right of freedom of belief and expression, and says that personal choices should be respected.

"Which would be her case. But it was a special case, with other concerns such as the life and health of the child. Having this conflict of interests of the mother with the child's life, meant that the interests of the child predominate over hers", he stressed: " The law supports normal childbirth at home, she could have done it, but here were special circumstances," argued the judge.