



*Protecting human rights
in childbirth*

Registered address:
Birthrights
Union House
111 New Union Street
Coventry CV1 2NT
0300 400 30 400

25th February 2021

Dear Mr Brouard,

I am writing to you from the human rights in childbirth charity Birthrights, regarding the incredibly serious decision of Guernsey's health system not to allow partners to attend caesarean births and also the ongoing wider restrictions on partners involvement in maternity care on the island.

Excluding partners from any area of maternity services but in particular requiring a woman or birthing person to give birth alone is a profound restriction of both her and her partner's right to a family and private life under Article 8 of the European Convention of Human Rights (ECHR). This right can be restricted, but only if the restriction is necessary and proportionate. Guernsey's decision to exclude partners for the birth of their own child runs contrary to both national guidance from both NHS England and the Royal Colleges, as well as international guidance from the World Health Organisation, which have all been clear from the outset of the pandemic about the need for women to be supported by a companion of choice during birth, including during an operative birth unless under general anaesthetic.

Restrictions in other areas of maternity services must also be proportionate under the ECHR. The expectation that women and their partners should be tested every 96 hours from a week before their due date/required to self isolate, far exceeds anything we have seen imposed anywhere in the UK.

The latest NHS England guidance (published on 14th December) makes clear that partners are not visitors and maternity services need to make any adjustments necessary as soon as possible to allow partners to be present at every stage of maternity care, including at scans. You may want to be aware of the [legal opinion](#) recently obtained by Birthrights, which states that even if partners cannot attend in person, they should be permitted to be involved in an appointment remotely, unless a maternity provider can give a good reason for declining that request having considered all the relevant evidence, including the evidence on the clinical benefits of partner involvement.

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Having been contacted by pregnant women from Guernsey who are very concerned and anxious about the restrictions in maternity services, we ask you to:

- make publicly available the risk assessment that underpins the decisions to exclude partners and other supporters from maternity services . We are keen to understand how the human rights impact has been factored into the decision making process.
- review any remaining restrictions immediately in particular the exclusion of partners from caesarean births which we believe to be disproportionate and completely unjustified.
- publish a timetable for lifting any restrictions which cannot be lifted with immediate effect.

We look forward to receiving your response by the 5th March.

Yours sincerely,

Maria Booker

Programmes Director - Birthrights

Cc

Heidi Soulsby - President of the Committee for Health and Social Care

Peter Rabey - Medical Director

Annabel Nicholas - Head of Midwifery