



Special Rapporteur on Violence against Women
OHCHR-UNOG,
8-14 Avenue de la Paix
1211 Geneva 10
Switzerland

**Betreff: Submission Report on
Mistreatment and violence against
women during childbirth**

17.05.2019

About Mother Hood e.V.:

Mother Hood e.V. – Federal Parents' Initiative for the Protection of Mother and Child during Pregnancy, Childbirth and the First Year

Mother Hood e.V. is a registered national charity organization founded in 2015 to protect MotherBaby during pregnancy, birth and the first year.

Mother Hood e.V. is advocating for safe maternity care: every woman needs to have access to the service of the same midwife during pregnancy, birth and the post-natal period (1:1 continuity model of care).

We ask for maternity services that serve the women in their own specific needs:

- Women must be free to choose their preferred pre-natal care provider, whether it be a midwife or a gynecologist or the choice of mixed pre-natal care.
- Women must be free to choose where, with whom and how to birth their babies: at home, in a birth center, a midwife-led unit or a hospital at a reasonable distance.
- Women must be able to have a midwife for the post-natal period.
- All maternity care must be respectful.

Bundeselterninitiative zum
Schutz von Mutter und Kind
während Schwangerschaft,
Geburt und 1. Lebensjahr

Mother Hood e.V.
Brahmsstr. 12a
53121 Bonn

info@mother-hood.de
www.mother-hood.de

Geschäftsführender Vorstand:
Katharina Desery
Franziska Kliemt
Myriam Maldacker

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All of these are theoretically covered by national laws, but the reality of women in Germany looks sadly different.

Report submitted with the help of:

*Roses Revolution*¹ is an independent grassroots movement, active in Germany since 2013 and facilitated by four Mother Hood e.V. members (Katharina Hartmann, Mascha Grieschat, Halina Koglin, Stefanie Bealek)

*Initiative gerechte Geburt*² is a private initiative and website by Mascha Grieschat, collecting and disseminating information on just childbirth.

Report

1. Please indicate whether in your country there are cases of mistreatment and violence against women during reproductive health care, particularly facility-based childbirth. If so, please specify what kind of cases and describe your country's response and any good practices, including protection of human rights;

Yes, there is mistreatment and violence against women in facility-based childbirth. Since 2013, women can publish their stories every 25th November on the Facebook page of *Roses Revolution Deutschland*³, the grassroots movement against obstetric violence. Over the last five events, 396 detailed accounts of obstetric violence were published⁴ and many more accounts were sent to us facilitators of the *Roses Revolution* without permission to be published or can be found on the Facebook page as comments under the published accounts.

Types of abuse include all the seven types individualized by Bohren et al.⁵ and are confirmed by German research⁶. They include vaginal examinations, continuous EFM, episiotomies, Kristeller maneuvers, non-consented care

¹ <https://www.facebook.com/RosesRevolutionDeutschland/>

² <http://www.gerechte-geburt.de/home/>

³ <https://www.facebook.com/RosesRevolutionDeutschland/>

⁴ Cfr. also <http://www.gerechte-geburt.de/home/roses-revolution/>

⁵ Bohren MA et al., The Mistreatment of Women during Childbirth in Health Facilities Globally: A Mixed-Methods Systematic Review

⁶ T. Jung (2017); „... ich war der Mittelpunkt, aber ich war da vergessen.“ – Gewalt gegen Frauen in geburtshilflichen Einrichtungen. Unveröffentlichtes Manuskript zum gleichnamigen Vortrag an der Hochschule Bochum, 27. November 2017. Please contact: k.hartmann@mother-hood.de for details.

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(including sterilizations), c-sections without anesthesia, disrespectful care, verbal abuse, physical abuse, neglect, ...

In 2018, a Master thesis on human rights violations in childbirth⁷ found that significant and systematic violations against women in childbirth take place within the German maternity care.

For the last Roses Revolution, in 175 of the 718 existing clinical birthing facilities violations were reported by women. We also receive many accounts of midwives and midwifery students confirming the mistreatment of birthing people.

To date there has been no country response, even though we sent information and data to the Ministry of Health, the Ministry of Family, Seniors, Women, and Youth, as well as to all leading political parties. Phone contact has been tried to establish on various occasions, but to no avail.

A petition to the Bundestag has been filed (Petition no. 76417) but the process is still pending and the Bundestag's commission has not heard the petitioner⁸.

2. Please specify if full and informed consent is administered for any type of reproductive health care and if these include childbirth care;

In theory, according to Germany's patient law, full and informed consent is necessary for any type of care and treatment⁹. But women report all over the country that the law is not respected¹⁰.

The reality is that care providers are not trained to practice according to the law. Birthing people are not in a position to enforce the law, due to power imbalance, structural obstacles (e.g. hierarchical reporting systems), and the cultural belief that childbirth is an event which requires suffering on the part of the woman. Women are told to be happy about a healthy baby – their own physical and emotional health is not valued.

⁷ N. Redmann (2018): Menschenrechtsverletzungen in der Geburtshilfe? Eine Analyse der Roses Revolution Deutschland. Hochschule Düsseldorf, 27.06.2018. Unpublished. Please contact k.hartmann@mother-hood.de for details.

⁸ <http://www.gerechte-geburt.de/petition-2018/>

⁹ vgl. Civil Law Code: [BGB §630d](#) and [BGB §630e](#)

¹⁰ cfr. Redmann 2018 and <https://www.facebook.com/RosesRevolutionDeutschland/>



3. Please specify whether there are accountability mechanisms in place within the health facilities to ensure redress for victims of mistreatment and violence, including filing complaints, financial compensation, acknowledgement of wrongdoing and guarantees of non-repetition. Please indicate whether the ombudsperson is mandated to address such human rights violations;

Women theoretically have mechanisms of redress available for them (via ombudsperson in hospitals and also implemented on the national and federal state level, complaint mechanisms of health insurance companies, etc.).

But in practice they are silenced: They are told to be grateful and happy about a healthy baby. Women report that during clarifying meetings with hospitals, open and symmetrical communication was impossible as they were faced with a large group of hospital staff including the facilities' legal assistance and threatened with legal actions for slander and an official ban to enter the facility premises. Women are disbelieved and discouraged and without the necessary support do not seek accountability¹¹.

Women seeking legal redress are told that it is not of public interest to address their cases and that non-consented care was due to protection of the child in accordance with [StGB §32](#)¹².

The ombudsperson is mandated to address the violations.

4. Does your health systems have policies that guide health responses to VAW and are these in line with WHO guidelines and standards on this issue, see: [1](#) | [2](#)

Yes, Germany has standard policies in general accordance with WHO guidelines in place¹³.

But violence against women in childbirth is so normalized that it is not (yet) considered violence against women.

¹¹ K. Hartmann (2015): „Klagen nach vermeidbarer Sectio“, in: Deutsche Hebammen Zeitschrift 08/2015, 30-33.

¹² M. Grieschat: (2016): „Das Recht auf eine gerechte Geburt“, in: Deutsche Hebammen Zeitschrift 12/2016. [Online](#)

¹³ cfr. <https://www.bmfsfj.de/bmfsfj/themen/gleichstellung/frauen-vor-gewalt-schuetzen>



From our perspective, experiences women report are in accordance with the findings of Sadler et. al¹⁴.

Dr. Katharina Hartmann
Internationale Beziehungen,
K.Hartmann@mother-hood.de,
Tel. +49-151-629 700 70

¹⁴ Sadler et al. (2016): [Moving beyond disrespect and abuse: addressing the structural dimensions of obstetric violence](#)