

Description



I met Agnes Gereb for the first time in 2012 in her light filled apartment in Budapest that was both her home and her prison. Agnes had been charged in 2008 with ‘manslaughter through negligence in the course of her professional practice’. This charge was based on the breathing difficulties and subsequent death of a second twin born at home (2003) and a case of shoulder dystocia (2007), the only perinatal fatality in her 20 year home birth practice. Then on the night of 5th, October, 2010 she had been arrested and imprisoned while dealing with a precipitous birth incident where the baby encountered serious breathing difficulties. Even as she went to trial for these older cases a new batch of cases was prepared by the prosecutor. The most serious of which was the death of a baby in St Istvan hospital, after a labour that started at home. The claims were always the same, that Agnes did not follow the hard and fast hospital protocols (many of which were very outdated and against the evidence even in a hospital setting). The outcomes that led to Agnes’ charges are regularly seen in hospital, but there the review of professional standards does not involve criminal prosecution.

After the October, 5th arrest Agnes was seriously mistreated in police custody then spent 77 days in prison, where she was again seriously mistreated. During this time an appeal was submitted by her lawyers to the European Court of Human Rights in Strasbourg under Article 3 of the European Convention on Human Rights that ‘no one shall be subjected to torture or to inhuman or degrading treatment or punishment’. Apparently, prosecutors consistently argued that she should not be allowed out of prison on the grounds that she might repeat her criminal act of assisting at a homebirth. Eventually, on 21st December, 2010 she was allowed to leave prison to stay under house arrest, and in early 2014 her house arrest conditions were relaxed and she could travel within Budapest city and county.



By the time I met Agnes she was legendary, in large part because of her work in establishing home births and woman centred care in Hungary, providing the only alternative to a highly medicalized maternity service in which women and their families had little or no autonomy, and were often cared for with little respect. Intervention rates were very high, in some services the caesarean section rate was nearing 50% while mothers and babies were often separated. Maternity services were personally expensive because of the need to make the gratuity or brown envelope payments expected by medical staff and sometimes other professionals. In order to fully understand this case it is important to realise the deep influence that communism had both on the maternity services, and the relationships of people within these services (see http://hungarytoday.hu/news/amid-controversy-home-birth-midwife-activist-agnes-gereb-sentenced-two-years-prison-25868).

Agnes is also legendary as a symbol of injustice. The injustice she has suffered is rooted in the health system and the legal system. For example there was no regulatory system for midwives who attended women in the community or in their home, registration as a midwife in Hungary was tied to employment that is all hospital based, and thus no mechanism existed for examining fitness to practice and standards for practice where there has been an adverse outcome, outside of the criminal justice system. The legal process was prejudiced by the board of obstetricians who believed that out of hospital birth was unsafe. Agnes was denied the opinions of expert midwives experienced in home birth in the judgements made against her.

I will never forget my visit with Agnes. It was not only the conversation that we had about woman centred care, the importance of positive experience of care and high quality maternity care, and the nature of midwifery, that resonated through our shared commitment, but also the dignity and courage of a woman who used every moment of our precious visit in conversation about establishing safe and high quality maternity services in Hungary, and showed not one iota of self sympathy, in a situation that would have destroyed many.

Now, in the highest level of the court of appeal in Hungary, it has been decided that Agnes must return to serve another two years in prison, and she is banned from practice for 10 years. In prison she will be separated from her 95 year old

mother for whom she cares, and her family and grandchildren for whom she also cares.

The persecution of Agnes started in 1990 and has persisted ever since. She has not received a fair trial and the recent judgement will leave her family without their stalwart caregiver, a breakup of her family, in itself this is the most cruel of punishments for a woman who has spent her life in building families through positive birth.

I visited Hungary to advise on the provision of high quality maternity care both before I was elected as President of the Royal College of Midwives and then as President of the RCM in 2012. On both occasions I reinforced the strategy of those groups working to obtain justice for Agnes, to establish better quality maternity care including personal autonomy for women. I also stressed the need to establish a commission for midwifery so that fitness to practice and the right to practice was regulated by midwives and midwifery with accountability to the public, and to establish out of hospital services. In 2011 the government made a move to enable home birth and midwifery led care, a move that is to be applauded in principle, although it seems that restrictions are so tight it may make safe viable home birth services difficult. A systemof regulating midwifery for the community is, I understand, still lacking.

Agnes will now return to prison. She has yet to decide if she will ask the President for clemency. This is her only chance of freedom.

If Agnes does seek clemency from the President I hope that he will consider the fundamental human right to a fair trial, and the importance to the future of his country in establishing high quality respectful maternity services, established on sound evidence, and the rights of women to choose their care and place of birth, and for respectful compassionate care.

I hope too that he will realise the contribution of the service that Agnes Gereb and the midwives she developed and trained, and the service she built, made to so many families in Hungary.

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