

Making a police report for obstetric violence

Obstetric violence offences

Obstetric violence can be a crime that comes in many forms. These offences can include locking women in hospital rooms to force consent to treatment or violent physical medical assaults (such as forced forceps deliveries). Each of these procedures are illegal without consent from the woman. A medical emergency is never an exception, unless you are unconscious.

Laws

Australia doesn't have specific obstetric violence laws, but we have other laws where police can charge a medical provider under, such as sexual assault/rape/bodily harm/criminal negligence. Criminal law is very complex.

Obstetric violence includes any illegal act that causes harm in the context of pregnancy, birth and post partum

Obstetric violence support



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Reporting

If a medical provider has assaulted you or is holding you against your will in a facility, a report should be made to police as soon as possible. Witnesses should make their own report also. If you are unsure, you can still report to police, request for Maternity Consumer Network to do it with you or seek your own independent legal advice. When seeking support to report obstetric violence, be mindful of getting support that is psychologically safe and from qualified supports. Many mothers may be offered support from various people who are not qualified or experienced to do so, and often contribute to trauma.



Assaulting women during birth is not okay.



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The Complaint Process

Police statement

Police will take your statement and investigate your complaint. Unfortunately obstetric violence victims do not get offered the same services as sexual violence victims via counselling/recovery needs. These will have to be sourced independently or from a birth advocacy organisation like us. You should still ask for these services from police.

What to report

Medical crimes that can be reported include:

- forced vaginal/anal examinations
- forced instrumental deliveries such as forceps being put into you against your will.

These can be reported to the police sexual violence unit.

Other issues can be reported including:

- being held against your will in hospital
- illegal physical escort to hospital in pregnancy
- forced caesarian section.

This can be reported to a general police officer as assault/abduction.

Witnesses to your assault such as your partner or other support person should make police statements along with any documentation or recordings they have of obvious criminal behavior.



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Prosecution

The Process

The police decide whether to lay charges and this depends on what evidence they gather and what is considered by the prosecutor.

Investigation is at police discretion as is decision to charge.

Criminal proceedings require a high standard of evidence for a conviction. This is 'beyond all reasonable doubt' and is decided by a jury.

Sexual crimes especially regarding obstetric violence are very hard to prove and the process can be emotionally taxing for women.

However, we do think it is important for women to report abusive and violent medical providers when they break the law to help police and community view obstetric violence as a crime.



Regulatory Authorities

A provider can be reported to the Australian Health Practitioner Regulatory Authority (AHPRA) for violence, however health regulators don't usually refer violent providers to police or take action so they are best avoided. We recommend an advocacy group like ours to support you so that appropriate authorities are aware of the circumstances.



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Your Rights

Nearly all states and territories in Australia have victim rights and support Acts as enshrined legislation. These rights include:

- being treated with kindness and empathy
- being given information about the prosecution process
- protection from the accused
- victim compensation and restitution schemes
- victim impact statement during sentencing.



Resources

<https://www.humanrightsinchildbirth.org/>

<https://www.maternityconsumernetwork.org.au/>

[Australian Sexual Assault Directory of Support Services – NASASV](#)

<https://www.maternitychoices.org/>

victimsandwitnesses.cdpp.gov.au/

[Women's Legal Services Australia – The National Voice of Women's Legal Services \(wlsa.org.au\)](#)