

Health Minister Dr. Stephan Konstantinov  
Director of the National Health Insurance Fund Dr. Neli Nesheva

## **RE: Infoglasnost Initiative – Is your consent an informed one?**

Dear Dr.Konstantinov and Dr.Nesheva,

We are writing to you in support of the efforts of Bulgarian women to raise awareness and demand action in regards to a very serious problem birthing women face in Bulgarian hospitals – their basic rights of bodily autonomy and informed consent being routinely ignored and circumvented. This is a gross violation to International and Local laws and requires urgent attention to make sure that women are protected, especially when they are most vulnerable.

The following steps have been proposed to fulfill the basic legal requirements on the subject:

1. **The document Informed Consent has to be given ahead of time**, according to art. 5 of the Convention on Human Rights and Biomedicine, which entered into force in 2003 in Bulgaria. This is easily achievable, if every hospital has the form available on their website, and if women get a copy from their doctor or midwife during prenatal visits, no later than the beginning of the third trimester of their pregnancy.
2. **The document Informed Consent has to be written in a way that makes it clear that the woman has the right to refuse each procedure offered**, according to art. 90 of the Law on Health. At present, the document doesn't give the options to refuse any of the listed in it, some quite invasive, procedures.
3. **The refusal of the birthing woman to accept certain procedures should not be followed by negative and abusive attitudes** by the medical personnel, according to art. 6, subd, 1 of the UNESCO Universal Declaration on Bioethics and Human Rights.

4. **The document Informed Consent has to include information about potential risks and side effects** of the offered procedure, according to art. 88, subd. 1 of the Law on Health. At present, the document only mentions that risks exist, but not what those are or what the possible side effects may be.
  
5. **The document Informed Consent has to include information about alternatives** of the offered procedure, including the option not to do anything, according to art. 88, subd. 1 of the Law on Health.
  
6. **Every surgical and invasive procedure has to be presented in detailed written form**, according to art. 89, subd. 1 of the Law on Health. For this requirement to be fulfilled, there has to be a separate Informed Consent form for each procedure offered – for example administration of pitocin, amniotomy, episiotomy, induction, Kristeller maneuver, manual dialation.
  
7. **To form a working group**, consisting of lawyers, representatives of the Ministry of Health, the National Health Fund, patients and medical professionals, whose task is to revise and write the documents Informed Consent to achieve a more easily understood explanation of the rights and responsibilities of patients and doctors.

It is the responsibility of the Ministry of Health to monitor that the rights of patients are respected by the medical professionals and health institutions on the territory of the Republic of Bulgaria. Pregnant women should be afforded special protection, as per art. 12 of the Convention on Elimination of all Forms of Discrimination against Women, which entered into force in 1982 in Bulgaria. By ignoring their rights, the medical personnel, health institutions, The National Health Insurance Fund, the Minsitry of Health, and the Republic of Bulgaria are exposing themselves to potential legal action in national and international courts and tribunals.

On behalf of our organization we would like to support the measures proposed by Rodilnitza and Estestveno and strongly urge that improvements be made to the current system. We also wanted to stand witnesses to the Government being officially made aware of the serious issues surrounding informed consent in its institutions.

With Regards,