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ORIGINAL ARTICLE

Literature review: the companion law - its importance and noncompliance

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Abstract

Objective: In Brazil, in 2005, Federal Law No. 11.108 was promulgated, which establishes that health services are obliged to allow the pregnant woman the right to accompany her during the whole period of labor, delivery, and postpartum. This work aims to evaluate, through a literature review, the importance of Law No. 11.108/2005 and whether this has been adequately fulfilled. **Methods:** Of the 27 results, 4 studies were selected to compose this review. Were searched the databases PubMed and SciELO, to locate studies addressing reports on the compliance and importance of Law No. 11.108/05 in Brazilian hospitals. **Results:** The Federal Law that guarantees women the right to be accompanied by someone of their choice in the public health network is often disregarded, causing the woman and the baby do not enjoy the numerous benefits of follow-up throughout period. This non-compliance occurs mainly due to the lack of knowledge of mother about her rights and the authoritarianism of public institutions and their collaborators that do not allow the mother to have her rights fulfilled. **Conclusion:** It is of the utmost importance that leaders of public maternity hospitals are attentive to this disallowance to change this scenario.

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INTRODUCTION

Motherhood is a period that begins long before conception, from the first relationships of the woman, through the desire to have a child and, finally, the pregnancy itself. The stage of pregnancy confers countless restructurings on a woman's life and on the roles she plays. Changes include biological, somatic, psychological and social changes¹.

Throughout pregnancy, the mother is concerned about the fetus and its health. Maternal concerns about the baby's health only end at delivery², this which can be considered as an irreversible and unforeseen situation. The impossibility of controlling and knowing what this event will be like can generate great anxiety for the pregnant woman³. Several doctors, legal practitioners, health professionals and academics recognize the importance of the presence of a companion at this important moment for the woman and the baby⁴.

At the Conference on Appropriate Technology for Birth and Childbirth, held in Fortaleza, Ceará, in 1985, it was concluded that, in childbirth, the woman's well-being must be ensured by the free access of a family member, during the birth and postpartum period. -Christmas⁵. The World Health Organization (WHO) started to recommend that the parturient should be accompanied by people she trusts and with whom she feels comfortable, emphasizing that this practice contributes to the humanization of care and reduction of obstetric interventions⁶.

In this sense, in Brazil, in 2005, Federal Law number 11,108, of April 7, was enacted, better known as the Companion Law. This law determines that the health services of the SUS (Sistema Único de Saúde), of the own network or of an agreement, are obliged to allow the pregnant woman the right to a companion during the entire period of labor, delivery and postpartum. The Law determines that this companion will be indicated by the pregnant woman, and may be a person of her choice⁷.

However, there are numerous complaints from patients who used SUS services that they were not able to have a companion during labor, delivery and postpartum. In this context, this study aims to evaluate, through a literature review, with data obtained from puerperal women assisted in the public and private health network or health professionals, the importance of Law number 11.108/2005 and if it has been complied with properly. proper.

METHODS

Regarding the methodology used, in June 2019 searches were carried out in PubMed, and SciELO databases to locate studies addressing reports on non-compliance and/or importance of Law No. 11,108/05 in Brazilian hospitals. The researcher carried out the entire evaluation of the results obtained.

PubMed database, the search strategies "escort law AND Brazil", "Companion law AND Brazil" and "law of the

companion", without filters. 21 studies were located. In the SciELO database, the search strategy "law of the companion" was used, which resulted in 6 works.

As the studies chosen are quite heterogeneous, additional statistical analyzes such as relative risk, mean difference or meta-analysis were not performed.

RESULTS

Of the 27 results, 4 studies were selected, all in Portuguese, to compose this review, whose outcomes were considered relevant. Figure 1 summarizes the reason for exclusion of the studies located and Table 1 summarizes the results of the studies selected in this review.

As the selected works are, in general, observational studies, a review was conducted using the MOOSE (*Meta-analysis tool as a basis. of observational studies in epidemiology*)⁸.

Of the four selected studies, the first work was published in 2013 and is an exploratory-descriptive research, with a qualitative approach, carried out in a public maternity hospital in Santa Catarina, which only serves SUS users. Data from 16 companions who remained with the parturient throughout the delivery were used. Data analysis indicated little knowledge about the Law, the companions considered the experience to be a positive experience, rated the care provided to the woman as satisfactory. Despite the adversities of the obstetric center and the stress situations inherent to the parturition process, the authors concluded that it is possible for the companion to have a positive experience and to act as a support provider for the woman⁹.

The second study evaluated data from the Nascir no Brasil survey (a hospital-based study conducted with postpartum women and their newborns, conducted during the years 2011 and 2012). Data were obtained from SUS, private or private services. It was evaluated that 24.5% of the women had no companion, 18.8% had continuous companionship, 56.7% had partial follow-up. Independent predictors of not having any, or partial, were: lower income and education, brown skin color, using the public sector, multiparity and vaginal delivery.

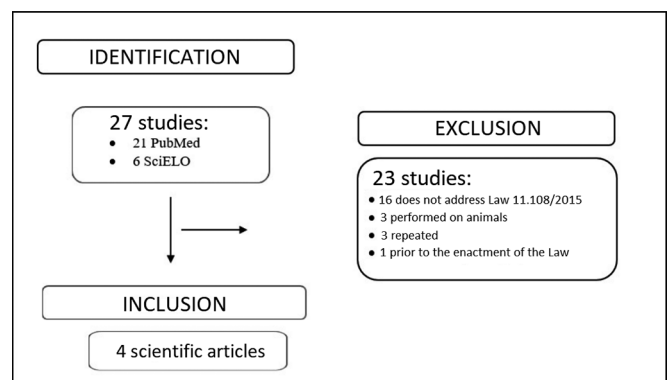


Figure 1. Flowchart of studies included in the systematic review.

Table 1. Summary of studies located evaluating the companion law, its importance and non-compliance.

Study	drawing of study	Number of participants	System of Health	Conclusion
Fruitful LD, 2013 ⁹	search exploratory-descriptive	16 companions	SUS	it is possible that the companion has a positive experience and acts as a support provider for the woman
Diniz CSG, 2014 ¹⁰	baseline study hospital	90 postpartum women	SUS or attendance private	the companion was associated with adequate ambience and clear institutional rules on the rights of women to the companion
Bruggemann OM, 2014 ¹¹	search qualitative, exploratory-descriptive	12 nurses	SUS	there is a need for changes in the attitude of the team and management strategies that value support by the companion of the woman's choice
Rodrigues DP, 2017 ¹²	search descriptive-exploratory	56 postpartum women	SUS	the Law needs to be better publicized, ensuring the safety of the birth process and inhibiting acts of violation of their rights

The implementation of the companion was associated with adequate ambience and clear institutional rules on the rights of women to the companion¹⁰.

The work by Bruggemann et al. (2014)¹¹ it was a qualitative research, with the objective of understanding the reasons that lead the health services, linked to the SUS, in Santa Catarina not to allow the presence of the companion during childbirth. Twelve nurses responsible for the obstetric centers of the services that did not allow or sometimes allowed the companion were interviewed. The speeches show that the impediment of the presence of the companion is mainly related to the decision of the professionals and with the inadequacy of the organizational structure, requiring changes in the attitude of the team, institutional support and management strategies that value the support by the companion of the parturient's choice¹¹.

A recent work, from 2017, analyzed women's perception of non-compliance with the Law. Data were obtained in the State of Rio de Janeiro, where 56 women who received services from the public health network were interviewed. The interviewees reported failure to comply with the law, both by health institutions and professionals, making the moment of delivery permeated by negative feelings resulting from stress, strain and tension, characterizing disrespect for the couple's rights. At the end of the study, the researchers concluded that the Companion Law needs to be more publicized as a couple's right, ensuring the safety of the birth process and inhibiting acts of violation of their rights¹².

DISCUSSION

Women in labor feel a need for warm, friendly company¹². Based on WHO recommendations, since 2005, in Brazil, there is Federal Law number 11,108, which guarantees the parturient woman the right to have a companion, of her choice, during the entire period of labor, delivery and postpartum.

According to data obtained in national technical-scientific literature, it can be evaluated that the companion can have a positive experience acting as a supporter of the woman⁹.

Often, monitoring during childbirth does not occur by decision of the professionals and with the inadequacy of the organizational structure¹¹. The lack of follow-up during labor and birth makes this moment permeated by negative feelings resulting from stress, strain and tension¹².

Studies carried out exclusively in the private service network were not found. However, it was demonstrated that, in parturients assisted by the SUS¹⁰, there is still non-compliance with Law number 11,108/2005 in public maternity hospitals. As pointed out by Rodrigues et al. (2017)¹² this non-compliance occurs due to the woman's lack of knowledge about her right to have a companion of her free choice during childbirth and birth, in addition to the deprivation of the right to a companion also being effected by the inequality in the power relations of health professionals, and by traditional structures of the institutions, in addition to characteristics of the current management model.

These data confirm the hypothesis pointed out by Diniz et al. (2014)¹⁰, that although Law number 11,108/2005 exists, low-income, less educated, non-white women are the most frequently deprived of the benefits of having a companion during childbirth.

As pointed out in a study, it was identified that women who received support and emotional support during childbirth expressed their satisfaction and recognized this care as important. Emotional support was identified as important to decrease the percentage of anesthesia/analgesia and the use of oxytocics. Other benefits of support found were less perineal trauma and reduced likelihood of difficulty in mothering, and early cessation of breastfeeding.¹³

Such data are corroborated by a national systematic review published before the enactment of Law 11.108/2005,

according to the analysis, the results of support during labor and delivery and delivery were favorable, highlighting the reduction in the rate of cesarean section, analgesia /medication for pain relief, working time, use of oxytocin and increased maternal satisfaction with the experience. The benefits were greater when the support provider was not a health professional⁶.

Additionally, a systematic review published in 2017 concluded that ongoing support during labor can improve outcomes for women and babies, including increased spontaneous vaginal delivery, shorter duration of labor, decreased cesarean delivery, instrumental vaginal delivery, use of analgesia and feelings about the experience of childbirth¹⁴.

Thus, the data from this work indicate that, although there are numerous benefits for the parturient to be accompanied, and that there is a Federal Law that guarantees this right, in the public health network, there is still non-compliance with this Law, making the moment of childbirth become stressful and draining emotionally and physically.

The four works used in this review were located in the SciELO database, possibly because the SciELO database contains a greater number of indexed national studies. However, two of the four works selected to compose this review are repeated in the Pubmed database.

A limitation of this literature review is the lack of finding a substantial number of clinical studies evaluating whether this scenario extends throughout the country or in specific regions. In addition, the amount of data is quite limited, requiring more complementary studies, specifically in the private health network.

Another possible weakness of this work is that the selected studies are data observation or retrospective research, thus, it is not possible to classify them as the best level of evidence in the literature.

CONCLUSIONS

Federal Law number 11,108/2005, or the Companion Law, which guarantees women the right to be accompanied by someone of their choice in the public health network is often not complied with, leading the parturient and the baby not to enjoy the numerous benefits of monitoring throughout the period of labor. This non-compliance occurs mainly due to the mother's lack of knowledge of her rights and the authoritarianism of public institutions and their collaborators that do not allow the mother to have her right fulfilled. It is of paramount importance that the leaders of public maternity hospitals are

aware of this non-compliance to change this scenario, ensuring that the mother has her right fulfilled.

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