

Children's rights to health care service – obstacles and perspectives

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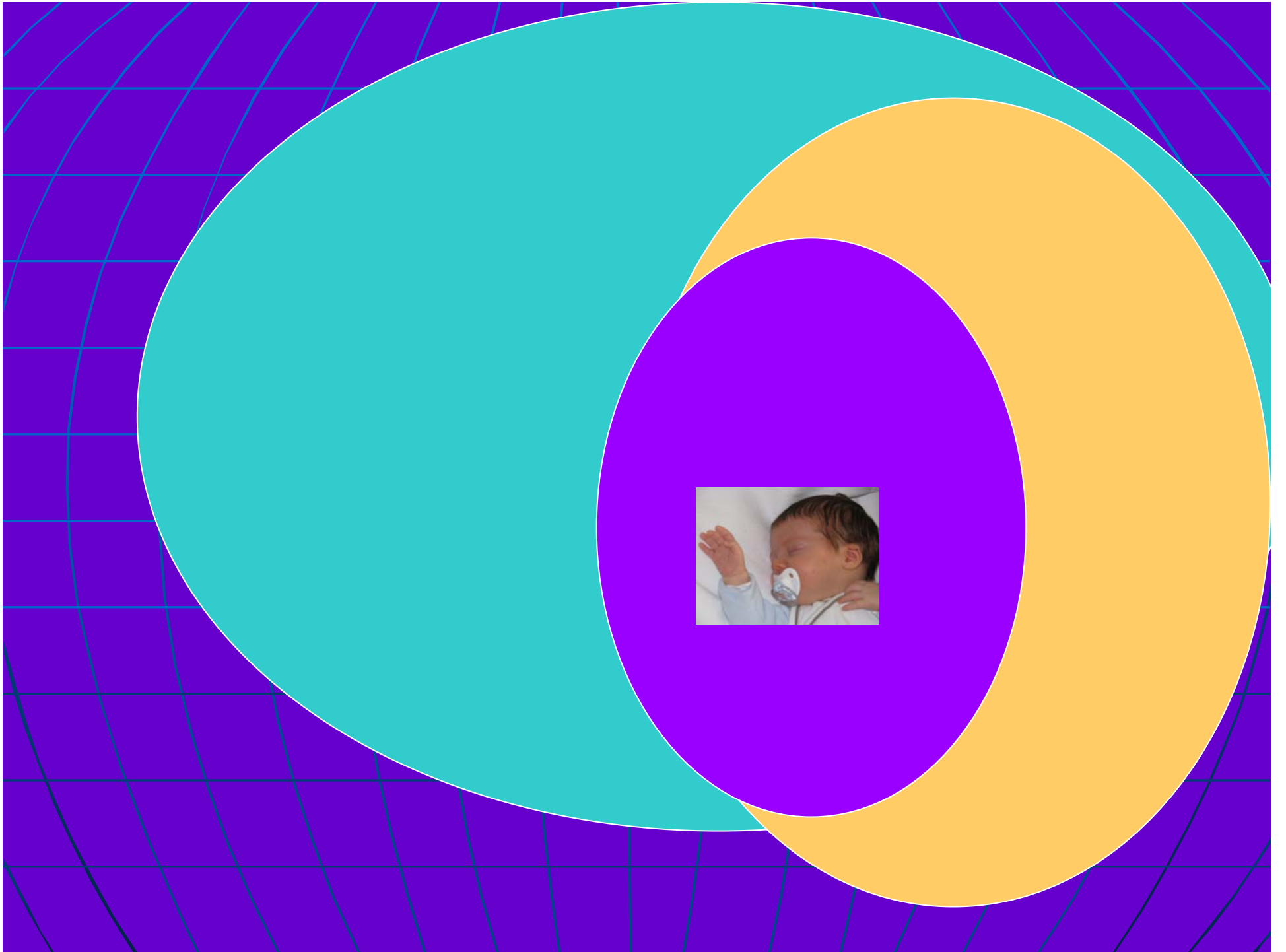
Human Rights Ombudsman of Republic of Slovenija

Alternative title

- Children's rights to health care service – obstacles and perspectives

or

- *How to understand legislation and*
- *make the best of it*



Human rights and rights of the child

- Children as a special vulnerable population are entitled to **additional** rights, secured by:
 - **Constitution of Republic of Slovenia** (articles 56, 52 – for children with special needs)
 - **Convention on the Rights of the Child – United Nations**
 - **European convention on the Exercise of children's rights** (Council of Europe – is to achieve greater unity between its members)

Convention on the Rights of the Child

- **Adopted and opened for signature, ratification and accession by General Assembly**
 - resolution 44/25 of 20 November 1989
 - entry into force 2 September 1990,
- **in Slovenia 1992**

Convention on the Rights of the Child

- Convention – articles could be used directly (without national laws)
- Who is monitoring?
- Committee on the Rights of the Child
 - is the body of independent experts that monitors implementation of the Convention on the Rights of the Child by its State parties.

**Celebration of the
20th Anniversary
of the Adoption
of the
Convention on
the Rights of the
Child
8 – 9 October
2009 Geneva**



To remember from Convention ...

- Childhood is entitled to **special care and assistance**
- In all actions concerning children, whether undertaken by public or private social welfare institutions, courts of law, administrative authorities or legislative bodies, the **best interests of the child** shall be a primary consideration.

Convention – what is it for

- A **convention** is a set of agreed, stipulated or generally accepted standards, norms, social norms or criteria.
- The term **convention** is also used in international law to refer to certain formal statements of principle such as the *Convention on the Rights of the Child*

- To highlight three main challenges facing the Convention:
 - ensuring the **dignity** of the child,
 - providing the child with full possibilities for **development** and
 - facilitating **dialogue** between adults and children in accordance with the participatory approach of the Convention

In compliance with the Convention on the Rights of the Child

- Slovenia is **obliged to provide** children with health care services of the highest standard.
- The state has **undertaken the obligation**, on the basis of a number of documents, to offer children relevant help to the extent possible.

CRC means ...

- The state has to ensure that all children with the special needs get the special care, in the extend needed and entitled.

Different points of view

- From the parents' point of view, significant and untapped potential remains in this respect;
- From the point of view of representatives of Slovenian state authorities, this potential has already been fully tapped.

How to examine which view is the right one?

- Documents (legislation)
- Political decisions (money)
- Practical issues and cases (problems)

Does Slovenia violate the rights of the child?

- Who is examining violations?
- Which are the most common violations
- How to get better solutions? ...

Human Rights Ombudsman of the Republic of Slovenia

- The rights of children in the field of health care are violated most frequently in the cases of:
 - sick children (in the part regarding the simultaneous hospitalisation of children and parents) and
 - children with special needs.

- The incentives submitted to the Human Rights Ombudsman of the Republic of Slovenia show that **individual solutions** depend too often on those employed in the public sector

■ In Slovenia:

- there are no comprehensive and regulated arrangements regarding the early treatment of groups of children with special needs;
- proposals and demands of parents for a comprehensive medical treatment and education are not realized yet

- The weakness of the prevailing regulations lies in their allowing **differing understandings and interpretations** of individual provisions which, in turn, leads to inequality in the treatment of individual groups of children.

- Many problems arise due to the non-cooperation of ministries (health, education, social affairs).
- The different inter-ministerial commissions are not efficient enough to address these difficulties on a day-to-day basis.

Who is to find out the violations of child's rights?

- Children, their parents and guardians
 - *Whom do they report?*
- Professionals (*associations*):
 - Health care
 - Social welfare
 - Education
 - *Whom do they report?*

Who is to find out the violations of child's rights?

- NGOs: ZPMS, Unicef, societies for children with special needs, ...
- Ministries: for family and social welfare, health, education
- Human rights ombudsman RS

Human Rights Ombudsman: violated rights are

- **The right to the optimal education**
- **The right to the highest level of health standards and rehabilitation**
- **The rights of equal treatment and nondiscrimination**
- **Individual rights arising from different acts /laws – that are in some case interpreted on the detriment of (one's) health**

Families with a child with special needs

- Facing the reality
- Adaptation to different circumstances that were expected
- Professional help should be comprehensive and planned with a family
- Help is need for the child with special needs, his/her parents and other children in the family

Cooperation is essential

- Children with special needs and their families
- NGOs
- Professional associations
- Educational institutions
- Legislative and executive state bodies
- International connections

Future challenges ...

- To adopt (prepare) the legislation that will consider comprehensive and holistic treatment
- Who – which ministry should prepare such a law?
- Should we get a special law on child?