EVERY CHILD HAS THE RIGHT TO BE WITH THEIR PARENTS

Protecting the child's right to parental presence during medical care.

WOMEN'S CIRCLES

INICIATÍVA ŽIEN PREŠOV

This e-book was created as part of the project *Closeness Works Wonders – Parents of a Hospitalized Child are Not Visitors (Blízkosť robí zázraky – rodičia hospitalizovaného dieťaťa nie sú návšteva)*, which we are implementing through the civic association Women's Circles (Ženské kruhy).

We partnered with the civic association Iniciatíva žien Prešov (Women's Initiative Prešov) because we share a common interest in improving the healthcare provided to women and children and in asserting their rights within the healthcare system. Our joint goal is to strengthen the rights of children and parents during hospitalization and to address the problem of the separation of children from their parents in hospitals.

Thanks to this e-book, we are bringing clear information to parents about their rights and how they can assert them. We believe that awareness is the key to positive changes, not only on an individual level but also on a systemic level.

> ‘Every child shall have, without any discrimination as to race, colour, sex, language, religion, national or social origin, property or birth, the right to such measures of protection as are required by his status as a minor, on the part of his family, society and the State.’
>
> *Art. 24 par. 1 International Covenant on Civil and Political Rights*

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TRANSLATION

We consider the presence of accompanying persons during the provision of healthcare to children to be extremely important. We care about this information reaching people living in Slovakia whose mother tongue is not Slovak. That is why we, at Women's Circles, decided to translate this ebook into English.

Thank you to Urszula Leginus, who translated this ebook into English.

'*The translation of this ebook into English was financed by PROTEUS - the Transatlantic Foundation project, co-funded by the European Union.*

Co-funded by the European Union. Views and opinions expressed are however those of the author(s) only and do not necessarily reflect those of the European Union or the European Education and Culture Executive Agency (EACEA). Neither the European Union nor EACEA can be held responsible for them.'

The ebook is also available in Slovak, Hungarian, and Ukrainian.

G | M | F Transatlantic Foundation

Spolufinancovaný Európskou úniou

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INTRODUCTION

01 | CREATION OF THE EBOOK

This e-book was created in response to the disturbing practice of massive violations of the rights of children and parents by healthcare providers.
The civic associations Women's Circles and Iniciatíva žien Prešov have long been drawing attention to the violation of children's and parents' rights during hospitalization as well as inadequate, undignified and discriminatory conditions. This includes, for example, the routine separation of prematurely born children from their parents, a lack of beds for parents, charging a fee for hospitalization or meals for a parent who is not breastfeeding, or charging a fee based on the age of the hospitalized child.

In this e-book, we will focus on the specific steps and procedures that parents can take if they are restricted in contact with their child by healthcare providers.

02 | PROTECTION OF CHILDREN

Children are particularly vulnerable individuals who need increased protection of their interests and rights. For example, if they are separated from their parents or guardians during the provision of health care, they do not have the same capacity as adults to defend their rights, make informed decisions, and protect themselves from disrespectful treatment. Furthermore, children have emotional needs that can only be met in the presence of a person close to them.

> Every child has the right to be with their parents or legal representatives. The right to the presence of a parent can only be restricted by a court on the basis of law.

WHAT DOES A CHILD NEED?

A parent is crucial for their child at a time when painful, difficult, or unknown things are happening to them. The parent is the certainty that protects them in times of stress. The presence of a parent is the most effective tool for helping a child navigate the anxiety of medical care and replace fear with trust.

A child in the hospital who is sick, scared, undergoing examinations, and suddenly finds themselves in a completely unknown environment does not only need physical health. They need a parent to lean on, whom they trust, and in whose presence they can express their emotions and vulnerability. Separation means a time when the parent is not with their child. The separation of a hospitalized child brings only negatives and potential trauma. A separated child may stop expressing their needs, may give up, may not cry, may not defend themselves and allow themselves to be treated, they may be silent. And this may seem desirable to the people around them. Even if they seem fine, a silent toll is being taken on their inner world, leading to serious psychological consequences. Cortisol levels rise. Despair grows. Trust is lost. Damages which occur are described in detail in the scientific literature.

Through hospitalization, the child does not lose the right to a parent's care, to their explanations, to cry, to be put to sleep, to have their pain soothed, to be hugged, and to have positive physical contact. The parent and the child form a unit that together constitutes the patient. With the parent, the child has the opportunity to be themselves. Because they know that the parent understands their crying, understands their fear, and will support them in a time of pain. Because a parent is integral to a hospitalized child.

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LEGAL BASIS

LEGAL BASIS

The Constitution of the Slovak Republic (1) and the Convention on the Rights of the Child (2) strictly define the circumstances under which children may be separated from their parents. These supra-legal norms imply that a child may only be separated from their parents against the parents' will on the basis of a court decision and in accordance with the law. These are fundamental human rights that the law must not restrict in any impermissible manner. The law must respect their essence and meaning. Any restrictions must only be used for the stated purpose, and only due to serious reasons.

Special attention must be paid to the Charter of Fundamental Rights of the European Union (3), which emphasizes the best interest of the child as a key principle, which is of extraordinary importance in the field of healthcare provision.

Other legal norms that regulate the duties and rights of parents to provide continuous care to minor children are the Family Act (4) and, specifically in the area of granting informed consent in the provision of healthcare, the Act on Health Care and Services Related to the Provision of Health Care (5).

WORDING OF LEGAL NORMS

(1) CONSTITUTION OF THE SLOVAK REPUBLIC

Art. 19, par. 2
'Everyone shall have the right to be free from unjustified interference in his or her private and family life.'

Art. 41, par. 4
'Care and upbringing of children shall be the right of the parents; children shall have the right to parental upbringing and care. The rights of parents may be restricted and minor children may be separated from their parents against their will only by a court decision based on law.'

(2) CONVENTION ON THE RIGHTS OF THE CHILD

Art. 9, par. 1
'States Parties shall ensure that a child shall not be separated from his or her parents against their will, except when competent authorities subject to judicial review determine, in accordance with applicable law and procedures, that such separation is necessary for the best interests of the child. Such determination may be necessary in a particular case such as one involving abuse or neglect of the child by the parents, or one where the parents are living separately and a decision must be made as to the child's place of residence.'

(3) CHARTER OF FUNDAMENTAL RIGHTS OF THE EUROPEAN UNION

Art. 24
'1. Children shall have the right to such protection and care as is necessary for their well-being. They may express their views freely. Such views shall be taken into consideration on matters which concern them in accordance with their age and maturity.
2. In all actions relating to children, whether taken by public authorities or private institutions, the child's best interests must be a primary consideration.
3. Every child shall have the right to maintain on a regular basis a personal relationship and direct contact with both his or her parents, unless that is contrary to his or her interests.'

(4) THE FAMILY ACT NO. 36/2005

Art. 28 par. 1, letter a)
'Part of the parental rights and obligations is, in particular, continuous and consistent care for the upbringing, health, nutrition, and comprehensive development of the minor child.'

Art. *38 par. 2*
"If it is necessary in the best interests of the minor child, the court shall restrict the parents' exercise of their parental rights."

(5) ACT ON HEALTH CARE AND SERVICES RELATED TO THE PROVISION OF HEALTH CARE NO. 576/2004

Art. 6, par. 6, letter b)
'Informed consent shall be given, unless this Act provides otherwise, by the legal representative if the person to whom healthcare is to be provided is a person incapable of giving informed consent; such person shall participate in the decision-making to the greatest extent permitted by their abilities.'

Art. *6 par. 7*
'If the legal representative refuses to give informed consent, the healthcare provider may file a motion with the court, if it is in the best interests of the person incapable of giving informed consent to whom healthcare is to be provided. In this case, the court's consent to the provision of healthcare replaces the informed consent of the legal representative. Until the court's decision, only such medical procedures may be performed which are necessary to save the life of this person.'

The European Charter of Rights of Hospitalised Children (1988)

2. Children in hospital shall have the right to have their parents or parent substitute with them at all times.
7. Measures should be taken to alleviate physical and emotional shock. Parents have the right to participate in all decisions concerning the care of their children.

The European Charter of Rights of Hospitalised Children was adopted in 1988 by the European Association for Children in Hospital (EACH). It establishes ethical and professional standards for the care of child patients. Although it does not have a directly legally binding nature, it has become an important reference document in the creation of national policies and legislation in the field of child healthcare.

(6) ACT ON HEALTH CARE AND SERVICES RELATED TO THE PROVISION OF HEALTH CARE NO. 576/2004

Art. 11, Par. 18
'A minor child shall have, during the provision of health care, the right to the presence of a person pursuant to Art. 6, par. 1, letter b) or another adult person designated in writing by the person pursuant to Art. 6, par. 1, letter b); the person pursuant to Art. 6, par. 1, letter b) or another adult person designated in writing by the person pursuant to Art. 6, par. 1, letter b) cannot be a person who is in custody, serving a sentence of imprisonment, or undergoing a detention measure.'

The accompanying person for a minor child during the provision of health care may be:

- legal representative (usually a parent),
- guardian,
- curator (or custodian),
- a person other than a parent who has the minor child entrusted into their personal care,
- a person who has the child in alternative personal care,
- a person who has the child in foster care,
- a person who is interested in becoming a foster parent and has the child temporarily entrusted into their care,
- a prospective adopter,
- a person who has the child entrusted according to special regulations,
- the statutory representative of the facility in which a court decision is being executed on ordering institutional care, on ordering an urgent measure, on placing a person in a juvenile detention centre, on ordering an educational measure, or on imposing protective education; or a person authorized by the statutory representative of this facility,
- the persons listed above may also designate another adult person in writing.

UPDATE AS OF 24.2.2026

The Ministry of Health of the Slovak Republic announced that, alongside the amendment to the Healthcare Act, it would also prepare a guideline to ensure a unified practice across healthcare facilities.

The guideline is published in the Official Journal of the Ministry of Health of the Slovak Republic – Issue 25–32, Volume 73, 1 September 2025, under the title:

Odborné usmernenie k výkonu práva maloletého dieťaťa na prítomnosť sprevádzajúcej osoby pri poskytovaní zdravotnej starostlivosti

Some parts of the guideline in question are, in our view, discriminatory and inconsistent with the legal framework of the Slovak Republic.

In this context, in cooperation with the law firm BP Advokáti (*www.bpadvokati.cz*), we have prepared a *"Commentary on the Inconsistency of the Guideline with the Legal Regulations of the Slovak Republic,"* which is available on our website in Slovak:

https://zenskekruhy.sk/komentar-k-usmerneniu/

A PARENT'S GUIDE

This manual offers a proposal of possible steps that parents can use in situations where healthcare staff restricts their presence with the child during hospitalization or during an examination. We want to emphasize that every case is individual and the parents need to consider the specific circumstances. Not all the steps listed will be necessary in every situation; some may need to be adjusted or omitted. At the same time, we recommend maintaining a factual and direct approach when communicating with healthcare staff, with the aim of achieving a solution that is in the best interest of the child.

01 | QUESTION – OBTAINING INFORMATION

Ask the healthcare provider: WHAT authorizes them to restrict contact between the parents and the child (e.g., in a case where they do not want to allow the parents' presence during the child's examination).
The rights of parents may only be restricted, and minor children may only be separated from their parents against the parents' will, by a court decision based on law.

02 | ASSERTION OF YOUR DEMAND

Be resolute and assert your demand to be with your child. Repeat your demand as necessary.
You can also discuss your demand with a supervisor of a healthcare worker.

03 | ASSERTIVE CONFRONTATION

If the healthcare staff continues to refuse to allow your presence with your child or restricts your contact with the child, request the presentation of a court decision that would restrict the exercise of your parental rights.
At the same time, request that they issue a written confirmation of the refusal to provide health care. Never sign a document that would indicate a refusal of health care on your part. You are not refusing health care for your child, but demanding that it is provided in your presence.

04 | CALLING THE POLICE

If, despite everything, the healthcare staff still prevents the parent's contact with the child, manipulates, intimidates, threatens, etc., or you notice a hint of action by which they might take the child against your will, contact the police (158). Remain calm, briefly describe the situation, and ask the police for assistance in resolving it.

05 | SUPERVISORY AND INSPECTION AUTHORITIES

In case of a violation of your right to be present with your child during the provision of health care, you can direct your complaint to the following oversight and control authorities:

- Hospital management
- Healthcare Surveillance Authority (Úrad pre dohľad nad zdravotnou starostlivosťou)
- Public Defender of Rights (The Ombudsman)
- Ministry of Health of the Slovak Republic
- If the hospital falls under the founding competence of the Self-Governing Region (VÚC), then also the relevant self-governing regional office

The procedures are described in detail in the document Guide to Institutions (Sprievodca inštitúciami), which is available on the website www.zenskekruhy.sk (in Slovak).

06 | MEANS OF CIVIL LAW

In the sphere of civil law, the following options are relevant:

- Action for the protection of personality rights (žaloba na ochranu osobnosti)
- Anti-discrimination action (antidiskriminačná žaloba)

‘No one is allowed to separate you from your newborn without your consent. You and your newborn have the right to remain together at all times, even if your newborn is born small, premature or with medical conditions that require extra care.

Respectful Maternity Care Charter: The Universal Rights of Women and Newborns, White Ribbon Alliance

HOSPITALIZATION OF A PARENT

THE CHILD AS AN ACCOMPANYING PERSON FOR A PERSON IN INSTITUTIONAL CARE (DURING A PARENT'S HOSPITALIZATION).

During the provision of health care, the presence of another person besides the patient themselves may be expedient for various reasons (e.g., communication barrier, psychological factors, etc.).
In the case of providing institutional care, it is possible to provide the option of stay in the healthcare facility to such an accompanying person ("sprievodca"). The stay of the accompanying person is a service related to the provision of health care.

Art. 15 par. 2 Act on Health Care
The accompanying person of a person in institutional care may only be a person of full age (an adult); this shall not apply if the accompanying person is a child up to three years of age admitted to institutional care together with a parent, or a minor parent admitted to institutional care together with a child up to one year of age.

Section 15 of the Act on Health Care provides the legal definition of the term 'accompanying person of a person in institutional care', but it does not address the question of the right to hospitalization of the patient together with the accompanying person. There is a lack of clear legal regulation that would impose an obligation on hospitals to permit such accompaniment, which can lead to inconsistent application practices.

Therefore, even a child up to three years of age may be the accompanying person for their parent in institutional care. However, the question remains whether the hospital will actually allow it, as although the law presupposes such a possibility, it does not impose an explicit obligation on healthcare facilities to admit the child as an accompanying person.

CONCLUSION

The child's right to continuous contact with their parents during the provision of health care stems from international conventions as well as national legislation, and should not be subject to the individual consideration or decision of a specific healthcare facility. Ensuring the presence of a parent with a hospitalized child is crucial not only from the perspective of the child's psychological comfort, but also from the perspective of their best interest, which is the fundamental principle of the legal protection of children.

The rights of child patients are not merely a formal part of legislation —they are the foundation of humane and high-quality healthcare. Their observance protects not only the health of children but also their dignity, psychological well-being, and overall experience of healthcare. As parents, healthcare professionals, or members of society, we have a responsibility to ensure that these rights are respected in practice. Awareness is the first step toward change—so do not be afraid to ask, demand, and assert your child's rights. Every step towards respectful care is a step towards a better future for all children.

Ľudmila Macejová
september 2025

ABOUT US

INICIATÍVA ŽIEN PREŠOV, O.Z.

The civic association is comprised of educated and experienced activists who have joined forces with the aim of significantly improving antenatal, birth, and postnatal care in Prešov and the surrounding area. Its main mission is not only to ensure that every woman has access to safe and respectful healthcare, but also to inform women about their rights within this process.

Iniciatíva žien PREŠOV

WOMEN'S CIRCLES

The Women's Circles (Ženské kruhy) civic association was established in 2011 as a reaction to the systemic violation of women's rights and the persistent harmful practices in maternity hospitals. The association focuses on topics related to pregnancy, childbirth, and childcare. Primarily, it provides counseling to mothers of hospitalized children on how they can be with their children during hospitalization, even if the hospital tells them otherwise.

Ženské kruhy

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