

Conflict of rights and obligations in childbirth

Abstract

The aim of this paper was to highlight a possible conflict in childbirth, where the woman's right to make decisions about her own body, the interest in protecting the baby and the duty of medical personnel to intervene collide.

Childbirth represents one of the most vulnerable moments in a woman's life, when her health is undoubtedly closely intertwined with that of her nascent child. Although, for the most part, there are no situations in which a woman in labour refuses medical care that is administered in order to save the baby, there is no clear guidance as to how such cases should be handled. Moreover, a glance into the practice reveals that this paper is not merely discussing a hypothetical scenario, but a historically occurring phenomenon.

This thesis first outlines the legal framework from the perspective of international and national sources. It then proceeds with a section that discusses the most important relationship in the provision of health services, i.e. the relationship between doctor and patient, followed by a description of the pregnant and childbearing woman's position as patient and the associated rights and obligations.

The fourth part introduces the most important and most used tools not only in childbirth but also for the provision of health care in general, such as the *lege artis* procedure, informed consent, previously expressed wishes and the birth plan. All of these institutes are intended to guarantee a certain quality of care provided by the medical staff while respecting the patient's will.

The fifth part already analyses in detail the possible dispute between a pregnant woman and her child with regard to the moment of providing legal protection to the unborn person. In this part, a fundamental key for the conduct of disputes is given, according to which medical personnel should act.

The sixth part deals with obstetric violence, the origin of this concept and its spread in the world and in the Czech Republic.

Liability in the provision of health care during childbirth is addressed in Part Seven. This thesis discusses the responsibility of health care personnel who intervene in the face of the non-consent of the woman in labour, and on the other hand, the responsibility of the mother for the decision to take actions leading to harm to the health of the child.

At the end we find the conclusions of the findings arising from this thesis, which briefly clarify the issue under study.

Key words: Childbirth, Limits of autonomy of the will, Provision of health services