Abstract

This thesis deals with the topic of providing perinatal care from the patient's point of view. The aim of the thesis is to use national legislation and decisions of Czech and international courts to determine under what conditions a woman has the right to decide on the provided health services.

From the legal point of view the area of perinatal care brings many questions where it is not easy, also with regard to the ethical aspect of things, to find an answer. During the pregnancy and childbirth, there are situations in which two constitutionally guaranteed rights conflict and with regard to the health services provided, it is necessary to evaluate the situation individually.

In the introductory chapters the thesis summarizes the legal regulation including the constitutional law of the provision of health services. Emphasis is placed on the rights of the patient, especially the possibility to decide on the provided health care in different situations. A separate chapter is devoted to the institute of previously expressed wish and its application to the period of delivery. In the context of postnatal care, the legal regulation of parents' decisions about the health services provided to their child is mentioned.

The field of healthcare law requires the introduction of legislation into the context of medical practice, so the seventh chapter reveals problematic issues in the provision of perinatal care, always with reference to legal regulations or judicial decisions. A separate chapter is devoted to non-standard forms of childbirth, particularly with reference to the decisions of the European Court of Human Rights. In the ninth chapter, I mention the issue of the presence of a father at childbirth, taking into account the decision of the Constitutional Court of the Czech Republic. The next chapter is devoted to the problem of deadborn children, focusing in particular on the possibility of legal guardians to decide how to handle the deceased child's body.
In the 11th chapter I mention the issue of newborns with health problems, which is led by practical experience from the General University Hospital in Prague. The final chapter presents the specific practice of the Prague hospital at Apolinar.