Neli, G. (2023). Children's rights and access to health care, *MEDIS - Medical Science and Research, 2*(1), 43-48.
doi: 10.35120/medisij020143g UDK: 364.69:342.7-053.2(497.2)"2021/2022"

CHILDREN'S RIGHTS AND ACCESS TO HEALTH CARE

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Abstract: Children have the right to health, to life, to protection and to special care and attention from their parents and from the community in which they live. A number of international acts regulate and regulate these rights, and the national legislation in the country confirms and guarantees them.

A pilot survey on children's and their parents' awareness of children's rights in Bulgaria and their access to health care was conducted among 201 parents, in the period 01.12.2021-01.01.2022. Respondents were asked whether they were aware of children's rights, whether they encountered obstacles to realizing their right to health, as well as whether, in their opinion, children have real access to health care in the country. More than 50% indicate that they are familiar with children's rights, 64.7% answer that children in the country have real access to health care, but 44% share that they encountered certain obstacles when realizing their right to health.

Issues concerning children, their rights and their access to health care affect the interests of individual families, of a given nation, but also of the entire society globally. There are positive trends around the world regarding children's access to health care, but these rights depend not only on the individual and on national legislations, but also on global political decisions and natural disasters that cause refugee flows and put countries in front of new challenges.

Keywords: *children, rights, health care.*
Field: Medical Sciences and Health

1. INTRODUCTION

Children's rights are in fact the human rights of the children themselves but written with the emphasis on the protection and care that children need. All children have the right to live, grow, learn, be heard and to reach their full potential, children have the right to human identity, food, education, health care, judicial protection and contact with their biological parents.

Children's rights have always been included in various declarations, but there has been a need to collect and clarify these rights so that they are more binding. In 1989, the Convention on the Rights of the Child recognized for the first time that children (all persons under the age of 18) are human beings in need of special care and attention.

2. MATERIALS AND METHODS

The aim of this study is to investigate how the rights of children are regulated internationally and nationally and whether their right to health is achievable and applicable in our country.

Documentary, sociological and statistical methods were used. The statistical data package SPSS (Statistical Package for Social Sciences) version 13.0 was used to process the survey data. 201 respondents took part in the survey.

3. RESULTS

International regulation:

According to the UN Convention on the Rights of the Child, he is an individual and the child himself is a subject of human rights. [2] No child is the property of his or her parents, nor of the country in which he or she was born or lives, nor is he or she merely the object of care. In this spirit, Article 5 of the Convention requires parents to provide, in a manner appropriate to the child's development, appropriate guidance and guidance in the process in which he or she exercises his or her Convention rights.

According to Art. 24 of the Convention "States Parties recognize the right of the child to the

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enjoyment of the highest attainable standard of health and of health services for the treatment of diseases and for the recovery of his health". [2] States shall endeavor to prevent any child from being deprived of his or her right of access to health services, to prevent infant and child mortality, to provide all children with the necessary medical care and health care, to combat disease and malnutrition, to provide mothers with appropriate pre- and post-natal care, provide all groups in society, in particular parents and children, with information on the health and nutrition of the child, the benefits of breastfeeding, the hygiene and health of the environment and the prevention of accidents , as well as training and assistance in the use of this information, developing health prevention.

The United Nations Children's Fund (known as UNICEF) was established on December 11, 1946 by the United Nations General Assembly to provide emergency care, food and health care for children affected by World War II, but it continues to a major structure of the United Nations to this day. Its main purpose is to help children in terms of nutrition, protection of their health, as well as in terms of education. The organization operates worldwide.

The European regulation on children's rights and their right of access to health care corresponds to the international one. Article 35 of the Charter of Fundamental Rights of the European Union guarantees individuals the right of access to healthcare. [1] Under EU law, children of migrant citizens who are EU citizens have access to social assistance and health care under the same conditions as local citizens after staying in the host country for three months. Legislation obliges Member States to provide vulnerable migrant children with access to adequate healthcare.

The European Convention on Human Rights does not explicitly guarantee the right to health care or the right to health [4], but the European Court of Human Rights has solid case law in this area. When considering cases in which the lives of children are endangered, it determines the positive obligations of the state to take preventive measures to eliminate life-threatening health risks that are known or should be known to it.

States are obliged to take appropriate measures to set up counseling and education services in order to improve health and develop a sense of individual responsibility for health matters (Article 11 of the European Social Charter).

In 2011, the Committee of Ministers adopted special guidelines for the health of the child. [3] According to Article 19 of the European Convention on the Legal Status of Migrant Workers, migrant workers legally working in another country and their families should have equal access to social assistance and health care.

National regulations:

With the ratification of the Convention on the Rights of the Child in 1991, the Republic of Bulgaria guarantees that it will work to protect the rights of children - to live and grow, to have access to health care, to study, to have their voices heard and to reach full its development potential. The main principles set out in the Convention are the guarantee of the rights of the child, without any discrimination (art. 2), the best interests of the child are paramount (art. 3), the right to life, survival and development. (art. 6) and the child's right to good health and access to health services (art. 24). [2]

The Constitution of the Republic of Bulgaria provides basic rights to its citizens and although they are not explicitly addressed to children, they give rise to legal action against them as well, as the Constitution itself does not allow any restrictions or privileges before the law to its citizens. According to Article 4, para. 2 of the Constitution, the state guarantees the life, dignity and rights of the individual. Citizens have the right to health insurance, guaranteeing them affordable medical care, and to free use of medical care under conditions and by order determined by law (Art. 52, para 1 CRB), as the health insurance of children is covered by the state. According to the Constitution, the state exercises control over all health care institutions, over the provided health services to citizens and children, as well as over the production of medicines, biological products and medical equipment and over their trade (Art. 52, para. 5 CRB). [8] Citizens have the right to a healthy and favorable environment in accordance with the established standards and norms (Article 55 of the CRB).

Questionnaire survey:

A pilot study on the awareness of children and their parents about the rights of children in Bulgaria and their access to health care was conducted among 201 parents in the period 01.12.2021-01.01.2022, and the selection of respondents was random. They were asked whether they were aware of children's rights (Fig. 1) and whether they were aware of the responsibility of parents for non-compliance with the rights of the child (Fig. 2).

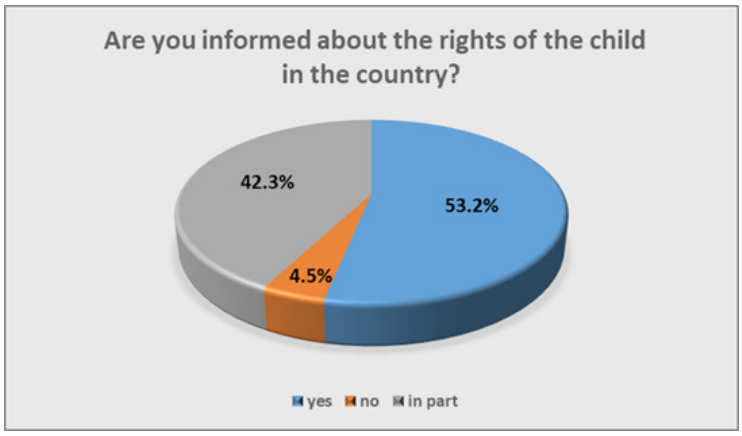

Fig. 1 presents parents' awareness of children's rights in the country.

The results show that more than half answered that they were aware, 42,3% answered that they were partially aware and only 4.5% answered that they were not aware of children's rights.

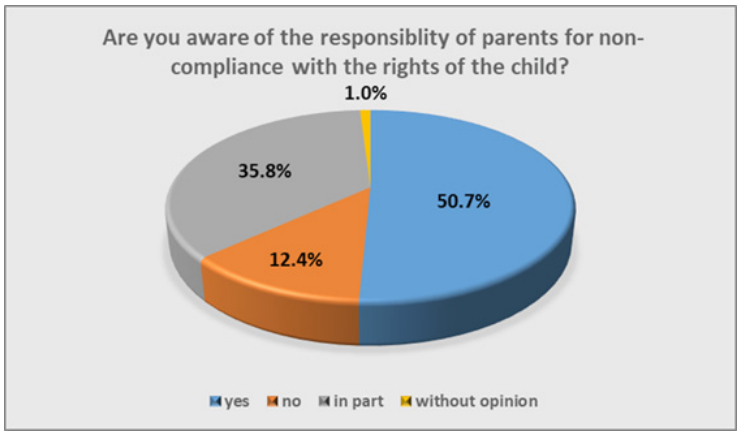

Fig.2 presents parents' awareness of their responsibility for non-compliance with the rights of the child.

50.7% answered that they were aware, 35.8% answered that they were partially aware and only 12.4% answered that they were not aware of their responsibility in case they do not know and do non-compliance with the rights of children.

The respondents were asked whether they had any obstacles to realizing their children's right to health (Fig. 3) and whether according to them children have real access to healthcare in the country (Fig.4)?

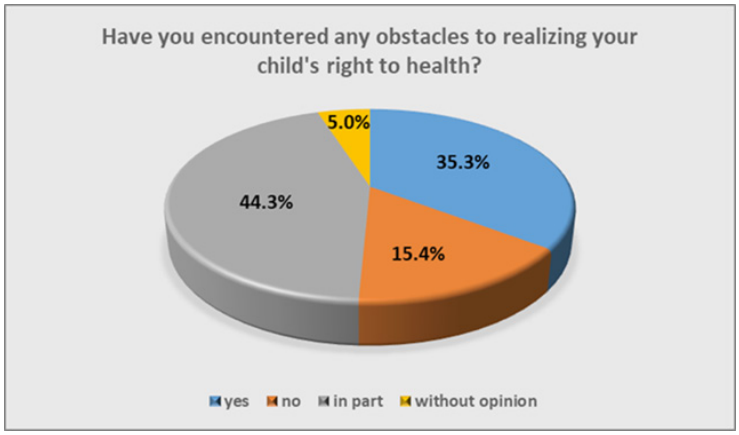

Fig. 3 shows whether parents encountered any obstacles to realize their children's right to health.

44.3% answered that they partly encountered some obstacles to realize their children's right to health, 35.3% answered that they had such obstacles and only 15.4% stated that they did not have any difficulties and obstacles.

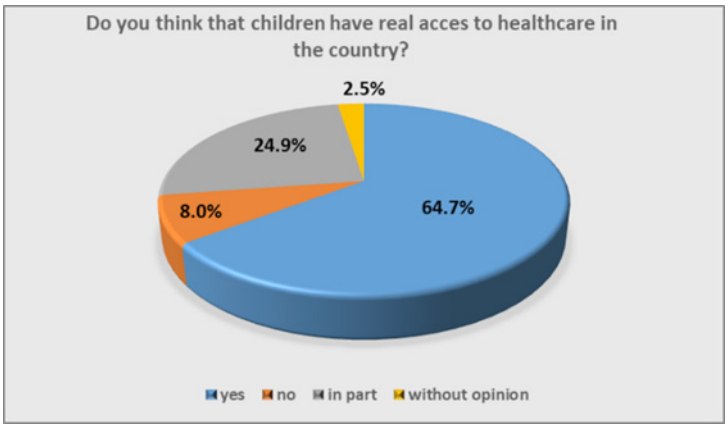

Fig.4 shows the answers of the parents whether, in their opinion, children have real access to health care in the country.

According to 64.7% of the respondents children have real access to health care in the country, only 8% are of the opinion that such access does not exist and 24.9% answered that, according to them, this real access partly exists.

4. DISCUSSIONS

In a national plan, according to the Health Insurance Act, the state has the obligation to insure at its own expense "persons up to the age of 18 and after reaching this age, if they study regularly - until the completion of secondary education, but no later than the age of 22- years old, students included in training through work (dual system of training) for the duration of the training according to the relevant curriculum, as well as students - full-time training in higher schools until reaching the age of 26, and doctoral students in full-time training by state order". [5] According to the same law, health insured persons have the right to receive medical assistance within the scope of the package of health activities, guaranteed by the budget of the National Health Insurance Fund, as well as emergency assistance, wherever they are. These regulations practically guarantee children's access to health care in the country, this access is real, although sometimes not completely satisfactory according to the parents of the children themselves.

Globally, there are also positive trends to improve children's access to health care. In the period 2000-2014, a study was conducted in the USA among 178,038 children aged 0 to 17 years. Trends are examined for health insurance and 5 access indicators: no well-child visit in the year, no doctor's office visit, no dental visit, no usual source of care, and unmet health needs. The survey results show that the proportion of uninsured children decreased from 12.1% in 2000 to 5.3% in 2014, improvement was reported in all 5 indicators of access to health care, and the results show that improvements apply to all children in the country regardless of their ethnicity. [6]

Children and their access to health care are affected not only by time and past government policies, but also by political decisions, wars and refugee crises. Children and adolescents under the age of 18 who are refugees and are not accompanied by their parents represent a special risk group. Additional challenges stem from the specific situation, lack of legal conditions, as well as language and cultural skills on the part of health care providers and unaccompanied refugee minors themselves. [7] Modern times present individual countries with new challenges, but they all have the duty and responsibility to care for all children and ensure their internationally recognized right to health according to the Convention on the rights of the child to the United Nations.

5. CONCLUSIONS

The issue of children's health and their access to health care is extremely relevant even today. Globally, there are still a number of places where healthcare remains a myth not only for parents but also for children. It is necessary to take continuous care by international organizations and individual governments to improve these statistics and to guarantee the rights of children globally, as well as to guarantee their most basic right - the right to life and health.

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