



Access to health care and treatment for foreign children and pregnant women according to applicable national legislation

This table shows whether (asylum seeking or undocumented) children/pregnant women are discriminated against or not when compared to the comparable national population, according to the national applicable legislations. As a reminder, Article 24 of the International Convention on the Rights of the Child provides that “States Parties recognize the right of the child to the enjoyment of the highest attainable standard of health and to facilities for the treatment of illness and rehabilitation of health. States Parties shall strive to ensure that no child is deprived of his or her right of access to such healthcare services”. Pregnant women are also protected by this Convention which stipulates that “States shall take measures to ensure pre-natal and post-natal healthcare for mothers”.

In none of the countries studied are undocumented pregnant women denied access to care at the time of delivery, since this is normally considered an emergency situation. Nonetheless, in some countries this care is chargeable. Monitoring of pregnancy is however inaccessible for them in those countries where they are not entitled to free pregnancy care as they cannot pay the full cost of these services.

Colour code

HIGHLY DISCRIMINATED
DISCRIMINATED WHEN COMPARED TO NATIONAL CHILDREN (OR NATIONAL PREGNANT WOMEN) (ENTITLEMENTS AND/OR ADMINISTRATIVE CONDITIONS)
NOT DISCRIMINATED WHEN COMPARED TO NATIONAL CHILDREN (OR NATIONAL PREGNANT WOMEN)

	CHILDREN				PREGNANT WOMEN	
	unaccompanied (Asylum seeking) children	asylum seekers' children	unaccompanied (migrant) children	children of undocumented migrants	asylum seeking	undocumented
BELGIUM		= entitlements ≠ conditions		= entitlements ≠ conditions	= entitlements ≠ conditions ³⁵	
CYPRUS		If own asylum application: = entitlements ≠ conditions If not own asylum application: ≠ entitlements ≠ conditions	Access ONLY in case of emergency and infectious diseases otherwise ONLY on full payment basis.			Access ONLY in case of emergency and infectious diseases otherwise ONLY on full payment basis.
CZECH REP.		³⁶		Access ONLY on full payment basis	³⁷	Access ONLY on full payment basis
FRANCE				= entitlements ≠ conditions ³⁶		= entitlements ≠ conditions

35. However, they can also receive preventive ante and post natal care free of charge under no conditions at the *Office de la Naissance et de l'Enfance*.

36. Even if the “regulation fee” is requested from all insured persons, for asylum seekers the payment of 1.20 EUR each time they seek health care poses a serious problem. See note22.

37. Ibid.

	CHILDREN				PREGNANT WOMEN	
	unaccompanied (Asylum seeking) children	asylum seekers' children	unaccompanied (migrant) children	children of undocumented migrants	asylum seeking	undocumented
GERMANY	If residence > 48 months		= entitlements ≠ conditions		If residence > 48 months	= entitlements ≠ conditions
	If residence < 48 months: ≠ entitlements ³⁸ ≠ conditions		The duty to denounce overrides entitlements.		If residence < 48 months: ≠ entitlements ≠ conditions	The duty to denounce overrides entitlements.
GREECE		= entitlements ≠ conditions	= entitlements ≠ conditions (No clear legal provisions)		= entitlements ≠ conditions	Access ONLY in case of emergency otherwise ONLY on full payment basis.
ITALY				= entitlements ≠ conditions		= entitlements ≠ conditions
MALTA			= entitlements ≠ conditions There are NO legally binding norms.			= entitlements ≠ conditions There are NO legally binding norms
NETHERLANDS			= entitlements ≠ conditions			≠ entitlements ≠ conditions
POLAND	= entitlements ≠ conditions		ONLY very limited access at school.		= entitlements ≠ conditions	Access ONLY on full payment basis.
PORTUGAL						
ROMANIA	= entitlements ≠ conditions		= entitlements ≠ conditions		= entitlements ≠ conditions	
SLOVENIA	≠ entitlements ≠ conditions		Access ONLY in case of emergency, otherwise ONLY on full payment basis.			
SPAIN ⁴⁰						
SWEDEN			Access ONLY if rejected asylum seeker, otherwise ONLY on full payment basis.			Access ONLY on full payment basis.
UK				≠ entitlements ≠ conditions		Access ONLY in case of emergency or assistance by midwives in the community, otherwise ONLY on full payment basis ⁴¹ .

38. Children of undocumented migrants directly get the AME . They do not need to comply with the conditions concerning the three-month residence and the lack of economic resources.

39. They have however more entitlements than adult asylum seekers living in Germany for less than 48 months.

40. To facilitate access to health care for all categories of foreign children and pregnant women, the Spanish law does not even require the condition of being registered in the local civil registry as it is required for all other users of the National Health System.

41. Pregnancy care provided in hospitals is always chargeable.