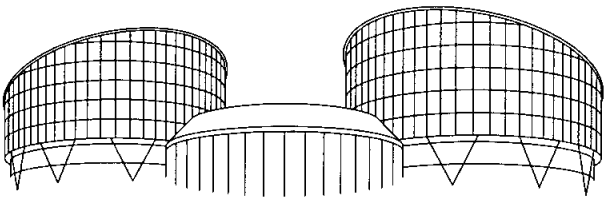

EUROPEAN COURT OF HUMAN RIGHTS
COUR EUROPÉENNE DES DROITS DE L'HOMME

FIFTH SECTION

Applications nos. 28859/11 and 28473/12
Šárka DUBSKÁ against the Czech Republic
and Alexandra KREJZOVÁ against the Czech Republic
lodged on 4 May 2011 and 7 May 2012 respectively

QUESTIONS TO THOSE APPEARING BEFORE THE COURT

1. Do the complaints of the applicants come within the scope of private life under Article 8 of the Convention?

2. The parties are invited to express their opinion whether the complaints should be examined under the positive obligations or negative obligations of the State.

3. Is the right claimed by the applicants in the present case in conflict with any other international obligations of the Czech Republic, such as those under the Convention on the Rights of the Child, the International Covenant on Economic, Social and Cultural Rights, or others?

4. Can you provide information on whether any assistance from midwives at delivery at home is available on a private basis, that is outside the public health insurance scheme?

5. Can you provide further information on the domestic legislation regulating home deliveries? In particular can midwives be authorised under the current legislation to assist at a birth at a mother's home? If so has any such authorisation been granted? If not and they nevertheless do so, can they be prosecuted or subjected to administrative sanctions? Have any midwives been prosecuted, or have administrative proceedings been started against them for assisting at a delivery at home?

6. What are the interests pursued by the Czech regulations regarding home deliveries? And does the situation strike the requisite fair balance between that interest and the competing interest of the applicants?