

FOREWORD TO UKRAINIAN EDITION

Medical law in Ukraine is moving forward, attracting more and more specialists, who both on doctrinal and law enforcement levels, influence its successful development in different aspects. Transformational changes in national medical law occur under the impact of foreign experience, world implementation and integration processes.

The handbook – “Human Rights in Patient Care: A Practitioner Guide” – is a new source for the bookshelves of professionals who are interested in theoretical and legal issues of human rights in the sphere of health care protection. You hold a book, non-typical both by its shape and content. This is due to the unity of achievement of foreign and national experts and by the presumed great practical effect of the book.

The first edition of the guide in three languages (Ukrainian, English, Russian) was prepared in 2012. The Practitioner Guide was posted on the website, it was widely disseminated among practitioners (judges, police workers, advocates etc) and was used in legal realization and legal application activities. Hence, it had been decided to prepare a second updated edition, with taking into account the legislative changes in Ukraine.

Within the framework of an international project, carried out by the Open Society Foundations (New York, USA), aimed at the preparation of a series of practical guides “Human Rights in Patient Care: A Practitioner Guide”, there were working groups from eight states: Armenia, Georgia, Kazakhstan, Kyrgyzstan, Macedonia, Moldova, Russia, and Ukraine. Ukrainian national project started in September 2007, as one of the four original countries of the OSI project. Nowadays the project has been expanded and national guides were prepared in other countries, namely: Republic of Serbia, Kingdom of Spain, Romania

As all other volumes in the “series,” the Ukrainian one is composed of international and national parts. In the first part is an analysis of international and regional standards of human rights in the sphere of health care, and mechanisms of their protection. In the second part the elements of the legal status of national major medical relations, subjects and forms of judicial and non judicial protection are elucidated. There are also a glossary and appendixes. This book has been prepared on the grounds of the laws of Ukraine current at the date of 1 September 2016.

The edition is designed in a form acceptable to specialists of different interests and is filled with multivectoral material, combining elements of theory, practical pieces of advice, legal regulation issues and actual examples from practice. For the first time an effort has been made to characterize legal status of a patient and medical worker in the context of medical care provision, to define the issues of proceedings in medical cases, and to exclude obstacles to their practical resolution.

The major tasks of authors of the Practitioner Guide include: 1) to concentrate the attention of practitioners on human rights’ aspects, and make a person and his/her benefits, considered to be the highest social value in the society, be the issue, which law enforcement practice has to deal with; 2) to give pieces of advice, aimed at practice optimization and to expand the legal arsenal of lawyers dealing with health care issues; 3) to elucidate the legal and practical material through a balanced approach to issues of “doctor-patient” relations.

When starting any “construction” it is very important to take care of the basis of the building – in our case it is a book. This edition is “built” on strong foundations of the legislation, legal practice and legal decisions. The walls of our handbook are made of bricks, which were formed by daily painstaking work of specialists in the sphere of legal protection, legal education and advocacy. In its final shape, the edition will serve the aim, which every “legal builder” in this field wants to achieve: protection of human rights in the sphere of health care.

The international part of the national edition of the Practitioner Guide is the same in all of the Guides, with views of experts as to practical mechanisms and procedures, and definition apparatus in health care sphere included. The outline of the national part for all of the county Guides has been preserved, but its content is filled with national peculiarities. Taking into account Ukraine national legal doctrine, medical /legal practice, and complex and synergetic approaches to material presentation Ukrainian author elucidates conceptual issues of the following: health care system functioning, human rights in the sphere of health care protection, focusing the attention on legal status of the elements of medical and legal relation subjects in one of the most important spheres of state and public life.

This book is the next brick in the process of formation of a national source base and provides material for legal views and strategies of lawyers while dealing with medical cases. The authors are looking forward to receiving commentaries and recommendations of specialists in Ukraine, practical examples of their own and of their

colleagues', and also pieces of legal advice, which will help to permanently improve the electronic version of the book placed on the web site www.healthrights.org.ua.

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