

8

National Procedures and Appendixes

8.1 INTRODUCTION

The state recognizes the right of every citizen of Ukraine to health protection and guarantees protection of this right (Article 8 of the Law of Ukraine “On Principles of Ukrainian Health Care Legislation”). Rights and legal interests of patients can be infringed upon both in case the results of treatment do not satisfy a patient’s expectations and in case the treatment that was provided has certain drawbacks.

Therefore it is important to analyze forms of protection of the infringed rights of persons who were provided with medical care and the ones who were unlawfully denied such care.

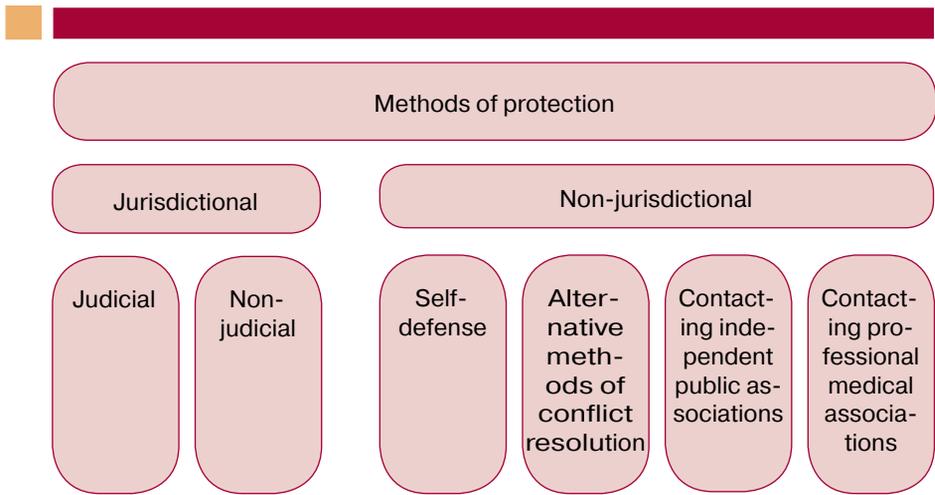
It is also necessary to elucidate the mechanisms of providers’ rights protection, certain aspects of which have been already characterized in subchapter 7.1.3. That is aimed at observing the balance in the relations “medical worker – patient.”

Appearance of the dispute in the process of providing medical care is a ground for protection of human rights in patient care. Such conflict is considered to be a

clash of opposite interests of subjects of medical-legal relations, caused by the peculiarities of their legal status realization. Subjects of a conflict in the sphere of health care provision are physical persons (patient, legal representative, medical worker, physician engaged into private practice, etc.) and legal entities (for example, health care institution, health care managing body).

Depending on the subject, who is applied to for protection of one’s infringed rights and the forms of human rights in health care protection are to be divided into judicial and non-judicial.

METHODS OF PROTECTION OF RIGHTS OF SUBJECTS OF MEDICAL LEGAL RELATIONS



Classification of methods of protection of rights of subjects of medical legal relations is presented in a table format:

JUDICIAL METHODS OF PROTECTION OF RIGHTS OF SUBJECTS OF MEDICAL LEGAL RELATIONS

Depending on the type and nature of violations of rights in the health sector, judicial resolution can be carried out in terms of

civil justice

criminal justice

administrative justice

constitutional justice

NON-JUDICIAL METHODS OF PROTECTION OF RIGHTS OF SUBJECTS OF MEDICAL LEGAL RELATIONS

Contacting heads of public health care institutions or their subdivisions, or public health care administration, including Ministry of Health of Ukraine (administrative method)

Contacting the Commissioner of Verkhovna Rada of Ukraine on Human Rights

State Inspection on the Protection of Consumers' Rights

Contacting the Health Committee of Verkhovna Rada of Ukraine

Contacting the Procuracy

Contacting agencies of internal affairs (police)