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**Legal and social aspects of the
functioning of the health care system
of Ukraine**

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The right to health care

In our multifaceted world, the right to health care is considered one of the fundamental legal values, as a prerequisite for the existence and development of a person, a key to the functioning of an efficient economy and the progressive development of society as a whole.

The availability of qualified medical care is guaranteed by the Constitution of Ukraine (article 49), Ukrainian Civil Code (articles 283, 284), the Act of Ukraine «Fundamental Principles of the Legislation of Ukraine Concerning Healthcare» (articles 6, 39) and other regulatory legal acts.



The value of the individual right to health care

Constitution of the World Health Organization (WHO), signed at New York on 22 July 1946, declares the value of the individual right to health care (one of the fundamental rights of every human being), as well as the value of the world legal order – «the health of all peoples».

As stated in the WHO Constitution: «Governments have a responsibility for the health of their peoples which can be fulfilled only by the provision of adequate health and social measures».



Implementation of the right to health care in the conditions of medical reform

Despite the long historical path of humanity to the recognition of this right and its consolidation in national legal systems and acts of international law, the debate about the content of the right to health care, its «polyvalence» from the point of view of private and public interests, has not lost its relevance at the present time.

Due to the medical reform in Ukraine, the changes took place, which partially have mixed assessment both concerning on-going effects, and probable ones in the nearest future.



Effects of medical reform for Ukrainian society



- changes in the national health care system;
- reorganization of medical institutions into non-profit public utility companies (NPUCs);
- the autonomisation and commercialization of the NPUCs
- reforming the primary , the secondary and tertiary links ;
- organization of hospital districts;
- formation of the development strategy of NPUCs.

Social aspects of the functioning of the health care system of Ukraine



Researchers point to the objectively existing process of convergence of private and public interests in health care and medical care.

Conflicts between public and private interests are activated in situations of choice in conditions of limited resources. Such resources can be all kinds of social and individual benefits, access to which directly or indirectly affects the real state of the realization of the right to health care (health care facilities, qualified doctors, medicines, medical technologies, information on effective clinical treatment protocols etc).

The medical reform is not an end in itself, but a way of public management of health development, other related processes should be taken into account:



- War in Ukraine;
- conditions of limited resources and segmentation of medical services according to age, pathology and solvency of patients ;
- geopolitical and macroeconomic situation;
- development of medical science and practice, evidence-based medicine;
- demographic crisis.

The further development of medical legislation and the implementation of medical reform cannot have the character of social experimentation and must ensure the fulfillment of the state's social obligations in the difficult conditions of war.

Thank you for your attention!