

ENSURING HUMAN RIGHTS AND FREEDOMS IN THE HEALTHCARE SYSTEM.

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Introduction.

Human rights are fundamental rights and freedoms granted to every person from birth, which cannot be illegally restricted by anyone. The healthcare system is a social institution aimed at protecting the life and health of every person, preventing and treating diseases. Therefore, ensuring human rights and freedoms in the healthcare system is of paramount importance.

The Role of Human Rights in Healthcare

The right to health is one of the fundamental human rights, recognized in international documents such as the UN Declaration of Human Rights and the World Health Organization (WHO). This right provides everyone with the opportunity to receive quality medical care and the necessary conditions for maintaining their health.

The following fundamental human rights should be protected in the healthcare system:

- **Equal and fair access to healthcare services:** Citizens should not be discriminated against on the basis of sex, race, social status, religious beliefs, or other circumstances.
- **The right to information and awareness:** Every patient should have complete and understandable information about their health, as well as make informed decisions about medical procedures.
- **Protection of privacy and confidentiality:** Medical data should be kept confidential and personal data should not be disclosed to third parties.

- **Treatment with consent:** Any medical procedure must be performed with the free and conscious consent of the patient.

- **Painless and humane treatment:** Providing services aimed at reducing the pain and suffering of patients, respecting human dignity is an important part of the healthcare system.

Problems of ensuring human rights in the healthcare system

Today, many countries have various problems related to human rights in the healthcare system.

The most prominent of them are:

- Lack of resources and limited access to quality medical services.
- Corruption and misconduct in the medical field.
- Cases of violation of the confidentiality of medical information.
- Non-compliance of healthcare workers with the rules of professional ethics.

Ways to solve problems

To ensure human rights and freedoms in the healthcare system, it is necessary to implement the following measures:

1. **Improving laws and regulations:** Developing clear and precise laws guaranteeing human rights and monitoring their strict implementation.
2. **Training of healthcare workers:** Conducting regular training on ethical standards and human rights.
3. **Improving the legal literacy of citizens:** Conducting awareness campaigns to promote their rights and freedoms in the healthcare sector.
4. **Development of quality and equitable healthcare:** Improvement of healthcare infrastructure, ensuring free or affordable healthcare for the poor.
5. **Strengthening privacy and data security:** Protecting medical data using modern information technologies.

According to the law, public, private, and other healthcare systems are distinguished. Treatment and prevention institutions of the state healthcare system provide the population with state-guaranteed medical care free of charge. The volume and procedure for the provision of free medical care are determined by law. At the same time, in addition to state-guaranteed medical care, medical and other services are considered additional and are paid for by citizens in the prescribed manner.

The scope of medical services guaranteed by the state includes the following medical services. In accordance with the "State Program for Reforming the Healthcare System," approved by the Decree of the President of the Republic of Uzbekistan dated November 10, 1998 No. 2107, the range of state-guaranteed free medical services includes:

- provision of emergency, urgent medical care;
- provision of medical services at the primary level of the healthcare system and in a number of state treatment and prevention institutions, primarily in rural medical institutions;
- immunization and vaccination of the population against infectious diseases;
- provision of specialized medical care to persons suffering from socially significant tuberculosis, malignant neoplasms, mental, narcological, endocrinological, and occupational diseases that pose a threat to the health of others;
- examination and treatment of children (except for paid institutions);
- examination and treatment of adolescents aged 15-17 and persons of conscription age (18-27 years) with referrals from conscription commissions;

- medical care for pregnant women (except for paid institutions);
- privileged categories of patients (disabled, war veterans, orphans, etc.) include free medical care.

The second part of the law - "Legal Protection of Citizens' Health" - highlights the legal aspects of protecting the health of citizens in general and certain categories.

In particular, in accordance with Article 18 of the Constitution, it is emphasized that the rights of citizens to healthcare are inviolable and are guaranteed by the state regardless of their age, gender, race, nationality, language, attitude to religion, social origin, beliefs, personal and social status. After all, the state guarantees the protection of citizens from discrimination, regardless of the presence of any forms of diseases. According to Article 18 of the Law, citizens have the right to free consultation and examination in state healthcare institutions on family matters, the presence of socially significant or dangerous diseases, and medical-psychological, medical-hereditary, and other aspects of marital and family relations. This article also emphasizes that every family has the right to choose a family doctor, and families with children have the right to use the benefits established by law. Also, the presence of genetic testing before marriage indicates how much work is being done in this direction.

Consequently, the provisions of Article 17 of the Family Code of the Republic of Uzbekistan "On Medical Examination of Persons Marrying" and the Regulation establishing the procedure for this medical examination, contained in the Resolution of the Cabinet of Ministers of the Republic of Uzbekistan (No. 365 of August 25, 2003), are consistent with Article 18 of the Law "On the Protection of Citizens' Health."

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This part of the law also defines the rights of citizens engaged in certain types of professions (Article 17), minors (Article 19), military personnel (Article 20), citizens of retirement age (Article 21), disabled persons (Article 22), and citizens affected by emergencies (Article 23) to healthcare.

The Law under consideration pays special attention to patient rights, which are listed in Article 24. At the time of seeking and receiving medical assistance in accordance with this article, patients have the right:

- respectful and humane treatment by medical and service personnel;
- selection of a doctor and a medical and preventive institution;
- examination, treatment, and care in conditions that meet sanitary and hygienic requirements;
- to conciliate and receive consultations from other specialists at their request in the manner prescribed by the Ministry of Health of the Republic of Uzbekistan;
- confidentiality of information about seeking medical assistance, the state of health, the diagnosis made, and other information obtained during medical procedures;
- voluntary consent or refusal of medical procedures;
- to obtain information about their rights and obligations, the state of their health, and to choose individuals to whom this information can be provided in their best interests;
- use of medical and other types of services within the framework of voluntary health insurance;
- compensation for harm caused to health in the process of providing medical care in the manner prescribed by law;
- appointment of a lawyer or other legal representative to protect their rights.

It is noted that in case of violation of the patient's rights specified in this article, the patient or their legal representative may file a complaint with the management of the medical and preventive institution, a higher governing body, or a court.

Analysis of the research results.

As noted above, medical intervention and all procedures can be carried out only with the voluntary consent of the citizen, who has information about the illness. In cases where the patient's condition does not allow them to express their will, and at the same time, in the interests of the patient, medical intervention cannot be postponed, this issue is resolved by a consilium. If it is not possible to organize a consultation, this decision is made by the attending or on-duty physician, with subsequent notification of the institution's management.

Consent to medical intervention in relation to persons under the age of 14 and recognized as legally incompetent in the manner prescribed by law is given by their legal representatives. In the absence of these persons, this issue is resolved by a consilium, and if it is impossible to convene a consilium, by the attending or on-duty physician. After all, according to the Law, in accordance with a medical intervention, the patient or their legal representative has the right to refuse or demand the termination of the medical intervention. In these cases, the doctor may obtain a written refusal confirmation, and if this is not possible, a corresponding report may be drawn up in the presence of witnesses. Consequently, in this case, that is, in all cases of refusal of medical intervention, the requirement to obtain confirmation of the refusal in writing is not provided.

If a medical intervention is refused by the patient's legal representative, which may lead to serious consequences for the patient, the doctor is obliged to notify the relevant guardianship and trusteeship authorities.

At the same time, Article 28 of the Law stipulates that in cases where a citizen's illness poses a danger to others, medical assistance (medical examination, hospitalization, observation, and isolation) may be provided on the established grounds and in the prescribed manner without the consent of the person or their legal representatives.

As an example of this norm, one can cite infectious diseases that pose a threat to others.

The third part of the law, entitled "Provision of Medical and Social Assistance to Citizens," provides various forms of assistance. In particular, according to Article 29, primary health care is the main, convenient, and free type of medical care provided to the population by institutions of the state healthcare system, which includes:

- treatment of widespread diseases, injuries, poisonings, and other urgent conditions;
- implementation of sanitary-hygienic and anti-epidemic measures, medical prevention of the most important diseases;
- implementation of other measures related to the protection of the family, motherhood and childhood, and the provision of primary medical and sanitary care to citizens in residential areas.

Primary health care in private and other healthcare system institutions is provided mainly on a contractual basis.

Certain groups of citizens are an exception, and this assistance is also provided free of charge in these institutions. The volume and procedure for providing primary health care to the population are determined by the Ministry of Health of the Republic of Uzbekistan.

In conclusion, it should be noted that the Law of the Republic of Uzbekistan "On the Protection of Citizens' Health" is closely interconnected with other legislative acts. The situation and

requirements presented in it are mainly general in nature, and the specific aspects of citizens' health protection are more clearly and comprehensively covered in the industry regulatory documents prepared on this issue.

The 4th direction of the Health Action Strategy relates to the "Development of the Social Sphere." This includes measures to support the older generation and reform the healthcare sector. In particular, it is planned to reconstruct 78 district medical associations, 7 city and 2 regional multidisciplinary medical centers, and provide emergency medical services with 1,200 special vehicles.

Under the chairmanship of the President of the Republic of Uzbekistan Sh.M. Mirziyoyev, a videoconference was held on February 7, 2017, dedicated to the problems in the healthcare system and the prospects for the development of the sphere. The Head of State analyzed in depth the problems in the healthcare system and dwelt in detail on their solution.

On March 16, 2017, a Presidential Decree was adopted on measures to further improve emergency medical care. By Decree, the Republican Center for Emergency Medical Care of the Ministry of Health of the Republic of Uzbekistan has been renamed the Republican Scientific Center for Emergency Medical Care of the Ministry of Health of the Republic of Uzbekistan. Also, on May 10, 2017, the Institute of Health and Medical Statistics and its branches were transformed into the Research Institute for the Organization of Public Health and Healthcare and its territorial subdivisions.

Conclusion.

Ensuring human rights and freedoms in the healthcare system is one of the main conditions for the sustainable development of society. Every person has the right to respect for their health and life, to quality and equal medical care. Therefore, states and society must pay constant attention to the protection of human rights in the healthcare system. It should also be emphasized that a person can live a happy life if they are healthy and without physical disabilities. A person takes care of their own health in various ways, relying on the support and assistance of the state. The state assumes responsibility for providing institutions that restore and maintain human health. An ambulance service will be provided to citizens. As a result of the implementation of this right, everyone has the right to apply to medical institutions with their problems and receive appropriate assistance and advice. Healthy citizens are the most valuable asset of any country. Therefore, the state is responsible for health and takes appropriate measures to fulfill its duties.

List of used literature.

1. State Program for Reforming the Healthcare System, approved by Presidential Decree No. 2107 of November 10, 1998.
2. "Xalq so'zi" newspaper, February 8, 2017, No. 28
3. www.lex.uz Collection of Legislation of Uzbekistan, 2017.