









## **Shvec Yu.Yu. POSSIBLE MECHANISMS OF EXTRAJUDICIAL PROTECTION OF THE PERSONAL RIGHTS FOR HEALTH PROTECTION**

The article is devoted to research of mechanisms of extrajudicial protection of the person's right to health protection. The author analyzes the provisions of the national legislation regulating the procedures and mechanisms of extrajudicial protection of the person's right to health protection, as well as statistical data on the application of appropriate mechanisms. The following types of extrajudicial remedies for the protection of the right of a person to health protection are described: 1) address to the management of the health care institution, the health care department, the Ministry of Health of Ukraine; 2) address to the Representative of Verkhovna Rada of Ukraine Commissioner for Human Rights; 3) appeal to the Committee on Health Care of Verkhovna Rada of Ukraine; 4) applying for help to non-governmental organizations or professional associations of medical workers; 5) self-defense. The main forms of extrajudicial protection are: appealing actions, decisions or inactivity of healthcare workers, health care authorities administratively, participating in the formation of state policy in the field of healthcare, law-making activities, etc.

Based on the analysis conducted, proposals were made to improve the out-of-court mechanisms for protecting the right of a person to health care in Ukraine. In particular, in order to improve the mechanisms of extrajudicial protection of the right of persons to health care, it is necessary: 1) Part 2 of Art. 49 of the Constitution of Ukraine supplemented with the last sentence of the following content: "The state provides protection of the right of a person to health care"; 2) Art. 8 Fundamentals of Ukrainian legislation on health care should be supplemented with the provision that complaints, applications and appeals that require urgent consideration due to the need to preserve life and prevent the health of a person should be considered and resolved urgently, but not more than within five days from the day of receipt; in art. 13 to consolidate the right of public organizations, professional associations to take part in the formation of state policy in the field of health care.

The necessity of expanding existing mechanisms of extrajudicial defense of the law by substantiating the procedure of mediation, collective appeal to international non-governmental organizations, which requires the adoption of the Law of Ukraine "On Mediation" and the ratification of the Additional Protocol to the European Social Charter dated November 9, 1995 №o. 158, is substantiated.

**Key words:** health protection, protection of law, extrajudicial mechanisms, administrative procedures.