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International humanitarian law as tool of regulation of medical stuff's activity during armed conflicts

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Abstract

Interaction of society and army, political and military management in a state is significant factor of national safety and stipulates necessity to elaborate effective algorithms and approaches to such interaction both from military and civil parts of the society in general and bodies of state governing in particular. The law features of medical stuff activities during army conflicts are described in this article.

Keywords: humanitarian law, medical stuff

1. Introduction

Interaction of society and army, political and military management in a state is significant factor of national safety and stipulates necessity to elaborate effective algorithms and approaches to such interaction both from military and civil parts of the society in general and bodies of state governing in particular.

Veiled aggression of the Russian Federation, intermediate level of which is annexation of Crimea and escalation of military-political opposition in boundary regions prove the necessity of working out own position as for international experience of civil-military relations, making army more democratic and professional [2].

2. Materials and Methods. The review of modern aspects of humanitarian law was done in this investigation.

3. Results and Discussion. Armed conflict in which Ukraine is involved today is among of many unexpected and serious challenges in peaceful time and medical branch has to counter it. This conflict has particularly drew out issue about urgent advisability of profound research of humanitarian law problem as tool of regulation of medical stuff's activity during armed actions and problem of working out effective ways of wounded people's rehabilitation who got injuries during anti-terrorist operation (ATO).

The author shares the opinion of R. Maydanyk that law is created to regulate social relations, including sphere of health care, taking into consideration standards of human's rights which serve as main principles and norms of fundamental character, are based on person's dignity and value, are rather distinct regulatory or formal-compulsory statements that set minimal necessary or desirable content of law and human's rights, are conditioned by achieved level of social development, are guaranteed by positive obligations of state as for their security [1].

The fact is that since 6-th of December 1991 has started period of establishment and development of international humanitarian law in armed forces of independent Ukraine. Period that has passed since its beginning can be divided into two stages [3, 4].

First stage: stage of validity on the territory of Ukraine soviet regulatory act as for application norms of international human law (6-th of December 1991 – adoption Law of Ukraine “About armed forces of Ukraine” by Supreme Council – 10-th of September 2004 – validity of order of USSR defence Minister as of 16.02.1990 № 75).

Second stage: since 11-th of September 2004 has lasted the process of establishment and development international humanitarian law in Ukraine.

Peculiarities of national stage of establishment and development of international humanitarian law in Ukraine are:

- a) absence of own management with application of norms of international humanitarian law at armed forces of Ukraine during the period from 6-th of December 1991 till 10-th of September 2004, due to above mentioned order of USSR defence Minister as of

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16.02.1990 № 75 was applied at armed forces of Ukraine;

- b) successful activity during the above indicated period of military-medical services of different countries of the world, including medical service of armed forces of Ukraine in legal frames of international humanitarian law in process of carrying out international peace operations.
- c) Adoption of order of Ukraine defence Minister on 11-th of September 2004 № 400 along with application of international humanitarian law norms at armed forces of Ukraine.

Effectiveness of following norms and principles of international humanitarian law which has important meaning in process of euro integration depends on how much these issues are supported by mechanisms of law regulation. Important role among them belongs to issues of law responsibility. Special role of responsibility in international as well as in national law is caused first of all by active participation of such international institutions as UNO, its regional organizations such as NATO, OBSSE, EU and also separate states in solving issues of international safety, fight against international crimes including serious violations of international humanitarian law.

Events of the last months have more revealed numerous problems in Ukraine including health care sphere; these problems need urgent reaction, first of all legislative. Therefore it's very complicated rights of person without appropriate legislative basis in the sphere of health care.

The author shares opinion of famous Ukrainian specialist in sphere of medical law I. Y. Senyuta, who claims that in the nearest future following directions of legislative work should be top priority ^[5].

- 1) Step-by-step implementation of conception of medical neutrality through specter of developing guarantees of medical employees activity in process of performing professional functions.
- 2) review of common order of Ministry of Internal Affairs of Ukraine and Ministry of Health Care of Ukraine as of 10.05.1993 № 307/105 "About process of registration cases of appeal of citizens to health care establishments and regional medical establishments of internal affairs

with body injuries of criminal character", which is contra version. This legislative act should be worked over by two ministries in order to strengthen guarantees for protection of human's rights.

Health of population as one of key quality indicators of people's development is basic part of people's potential and in the same time important factor for creating social wellness by direct and non-direct influence on social and economic parts of person's life. Health is that the most important feature that has to be taken care of and without which population is not able to realize its opportunities in economic and other spheres of life.

4. Conclusions

Perspective directions of further researches are considered the following: comparison analysis of international legislation acts which regulate medical practice in historic aspect, starting from ancient times to establishment and development of international humanitarian law in armed forces of Ukraine; standards of human rights and tendencies of development sources of Ukrainian law in the sphere of health care; legislative implementation of single medical conception to norms of Constitution and laws of Ukraine in process of conducting medical reform.

5. References

- 1. Maydanyk R. Single medical space Ukraine as a key human rights standards and the legal challenge in the field of Health Ukraine. *Medical Law* 2013; 1(11):33-42.
- 2. Motor V. *Demokratyzatsiya civil-military relations in Ukraine in the context of its adaptation to European standards*. Lviv, 2014, 20.
- 3. Order of the Minister of Defense of Ukraine № 400 from 11.09.2004 g. "On Approval of Guidelines on the application of international humanitarian law in the Armed Forces of Ukraine". Kyiv, publishing house Azimuth-Ukraine, 2004, 144.
- 4. Radysh Ya. International humanitarian law - an important part of legal regulation of medical staff participation in international peacekeeping. *Medical Law* 2013; 1(11):54-66.