

THE RIGHT OF PEOPLE TO HEALTH CARE AND ACCESS TO QUALIFIED MEDICAL SERVICES IN INTERNATIONAL LAW

Senior teacher of TSUL

X.N.Safarova

Abstract: the article analyzes the right to health of a person, including children and women, on the basis of universal international legal documents and national legal documents. The role of the right to health care in the human rights system is highlighted, and based on these analyzes, views on the modern understanding of the right to health are presented. Conclusions and recommendations have been put forward based on the analysis of issues related to the provision of a person's right to health.

Key words: medical service, health care, right to medical care, health organization, patient, health care system, right to health, women's rights, children's rights.

A person's right to health care and access to qualified medical services is directly related to his life, is one of his natural and inalienable rights, and requires international cooperation in this area.

People's right to health care and access to qualified medical services was evaluated by expert as the most important social right, and its content was evaluated in a comprehensive direction. In particular, the strength of the citizen today is a critical factor in ensuring peace and security; in terms of the state's obligation to people; as an important part of ensuring the safety of inconlap; as a source of state security; evaluated in terms of social status and happiness.

There is very little fundamental work in the national scientific literature on the use of qualified medical services by people and its development.

The right of people to use qualified medical services, the source of which is the creation and development of the general incon law, was formed in the past. In this case, it is important to note that the scientist's opinion is also taken. For example, L. Hart traces the early formation of incon law to the 1776 US Declaration of Independence. As stated in this declaration: "We proceed from the plain truth that all creation is equal, and that the Creator has provided such rights as the right to life, liberty, and the pursuit of happiness."¹

Other researchers (M.Duranti, G.Jellinek) note that the first period of the current development of Incon law began in 1789 with the Declaration of human and Human Rights. In it, the rule that "inconlap are born with equal rights and freedom and live like this" can be cited as the cornerstone of the brewing of incon rights².

However, it should be noted that in the two mentioned documents, the right of people to use qualified medical services is not mentioned directly or explicitly. About the right to use qualified medical services in the Bill of Rights of the USA adopted in 1791, in the Great Charter of freedoms (Magna Charta) adopted in 1215 in Great Britain. It is worth noting that the Bill of Rights of 1689 was not conspicuous.

¹ Congress U. S. Declaration of independence //Available in: <http://memory.loc.gov/cgi-bin/ampage>. – 1776.; Калинина З. З. «Декларация независимости» 1776 года-основная предпосылка создания данного документа //Публичное право и управление: перспективы развития. – 2018. – С. 57-57.

² Johnson V. R. The Declaration of the Rights of Man and of Citizens of 1789, the Reign of Terror, and the Revolutionary Tribunal of Paris //BC Int'l & Comp. L. Rev. – 1990. – T. 13. – С. 1.



Consolidation of the right to use qualified medical services and health protection at the international legal level by the UN. In connection with the adoption of the World Health Organization (WHO) Declaration in 1946³.

According to the World Health Organization (JCCT) principle, "Health is not only the absence of disease and physical infirmity, but also a state of physical, mental and social well-being. The use of the highest level of health care is regardless of race, religion, social status, economic or social status. The well-being of the peoples is a critical factor in achieving peace and security, and depends on the full cooperation of individuals and the state"⁴.

In general, the definition of the right to health in the document of the World Health Organization, the use of qualified medical services served to popularize the right to health. This was the starting point for the further development and improvement of this right in a large document on the incon right.

Later, in 1946, the UN Commission on International Law was established. His first goal was to beat Bill in the ring. The committee concluded that the draft law is based on three factors: declaration, pact and its implementation. First has received a cap on dealing with declapation. At the fifth meeting of the commission, the question of declawing the health care bill was discussed. One of the members of the committee, a representative of India, noted that there is no information on the right to use medical services. According to him, it is wrong to use the term "right to health" in the context of "right to use medical services", because the obligation of the organization includes the establishment of preventive measures for the protection of health. However, after the protest and blasphemy of the state, the excuse of "approaching the highest level of the state" was raised, and the state's responsibility for the state's state was repeatedly emphasized.

In the future, Universal People's Document has decided to consolidate the right of the person to the forest in another document. As stated in the 1948 Declaration of Rights and Obligations of the United Nations, the United States and the United States: "Increasing the provision of food, clothing, housing, and health care in accordance with the public and state's capacity for food, clothing, housing, and health "A white man has the right to defend himself"⁵.

The fundamental document in the field of Incon rights and freedoms, the 1948 Universal Declaration of human Rights, which is a fundamental document in the field of human rights, was made in Japan by the United States and Great Britain.⁶

As a result, two pacts were adopted by the UN in 1966: the People's Pact on Civil and Civil Rights and the People's Pact on Economic, Social and Cultural Rights. It is worth noting that this document entered into force in 1976.

In the International Covenant on Economic, Social and Cultural Rights, the indigenous right to land was recognized as an international right of special status, and it served as a framework for future regional and international documents.⁷ While the right to use medical services or the right to health was not defined as a special right of the individual in the Universal Declaration of human Rights, the following provision mentioned in Article 25, Clause 1 of the Declaration was of great

³ World Health Organization et al. Minutes of the Technical Preparatory Committee for the International Health Conference: Held in Paris from 18 March to 5 April, 1946. – WHO, 1947.

⁴ Устав В. О. 3. ВОЗ. Основные документы. – 2005.

⁵ Малеев Ю. Н. К вопросу о Международном пакте об обязанностях человека //Московский журнал международного права. – 2014. – №. 3. – С. 65-83.

⁶ Исполинов А. Правовой статус Всеобщей декларации прав человека (к 70-летию принятия) //Сравнительное конституционное обозрение. – 2018. – №. 4. – С. 100-107.

⁷ Чиркин В. Е. Международный пакт об экономических, социальных и культурных правах 1966г. и конституционное право //Международные пакты о правах человека: ценностные характеристики. – 2016. – С. 29-34.



importance in the future realization of this right: " Everyone has the right to a standard of living adequate for the health and well-being of himself and of his family, including food, clothing, housing and medical care and necessary social services, and the right to security in the event of unemployment, sickness, disability, widowhood, old age or other lack of livelihood in circumstances beyond his control"⁸.

The right to "ensure the health and well-being of oneself and one's family" defined in the this Declaration is consolidated in Article 12 of the People's Pact on "Economic, Social and Cultural Rights". More to him:

"1. The States Parties to the present Covenant recognize the right of everyone to the enjoyment of the highest attainable standard of physical and mental health.

2. The steps to be taken by the States Parties to the present Covenant to achieve the full realization of this right shall include those necessary for:

(a) The provision for the reduction of the stillbirth-rate and of infant mortality and for the healthy development of the child;

(b) The improvement of all aspects of environmental and industrial hygiene;

(c) The prevention, treatment and control of epidemic, endemic, occupational and other diseases;

(d) The creation of conditions which would assure to all medical service and medical attention in the event of sickness⁹.

Thus, the right of the individual to the right to the right of the individual is protected by the international legal document as a separate civil right.

The right to protect the health of the individual is included in the universal international legal document, as well as in the regional agreements adopted by the African, European and American regions as a right of the individual.

The 1965 Convention on the Elimination of All Forms of Discrimination Against Women, the 1979 Convention on the Elimination of All Forms of Discrimination against Women, the 1989 Convention on the Rights of the Child, the 1990 Convention on the Protection of the Rights of Workers and Members of Their Families, and the 2006 Convention on the Rights of the Child in the Conventional lap consolidated as a separate social right.

In this document, the provision of the right to the right to the right to a certain type of person and the reproduction of the state is condemned.

For example, the specificity of the protection of children's and women's rights to health requires a separate international legal analysis and detailed study. Article 24 of the Convention on the Rights of the Child states that the highest priority is to ensure that the child has access to the highest quality health care and treatment. Today, these activities are carried out by providing primary medical and sanitary care, combating disease and malnutrition, improving the environment, protecting the health of mothers in the prenatal and postnatal period, and conducting awareness and prevention activities among the population. It is clear from the content of this Convention that the child is a person with full rights and has the same rights as adults.

Children's limited capacity of action due to their age should be covered by the obligations of parents, guardians or sponsors, civil society and relevant state bodies to protect their rights. The

⁸ Всеобщая декларация прав человека от 10 декабря 1948 г. URL: http://www.un.org/ru/documents/decl_conv/declarations/declhr.shtml; <http://constitution.uz/uz/pages/humanrights>

⁹ International Covenant on Economic, Social and Cultural Rights, opened for signature 16 December 1966, 993 UNTS 3 (entered into force 3 January 1976) Тикашева, Г. (2022). АНАЛИЗ НЕКОТОРЫХ НОРМАТИВНО-ПРАВОВЫХ АКТОВ РЕСПУБЛИКИ УЗБЕКИСТАН В СФЕРЕ ОБЕСПЕЧЕНИЯ ПРАВ РЕБЁНКА. *Евразийский журнал академических исследований*, 2(9), 113-118.



Convention places the best interests of the child as a primary consideration in all actions concerning the child by public or private social protection agencies, courts, administrative or legislative bodies. (3-a).

The same principle applies in the health sector and applies to child health services. According to Article 6 of the Convention, the participating states are obliged to ensure the survival and healthy development of the child as much as possible.

Article 25 of the UN Convention on the Elimination of All Forms of Discrimination against Women, adopted in 1979, provides for women's rights to health care.

Here, the international legal document was developed taking into account the functions of women in motherhood and family.

- This Convention defines the following health rights of women:

- protection of women working in hazardous work during pregnancy (Article 11 th, Clause 2, Paragraph "d");

- to eliminate discrimination between men and women and create equal conditions in family planning and medical services (Article 12 th, Clause 1);

- providing free medical care to women during pregnancy, childbirth and breastfeeding (Article 12th)

- organization of health care system in rural areas (Article 12th).

The main purpose of this Convention is to eliminate all discrimination between men and women, including prejudices and customs that lead to discrimination. Among the rights to health defined in this Convention, the right to social medical services occupies the main place. Participating countries must perform a number of tasks to fulfill these tasks. In the research work conducted by R.Magnusson, it was analyzed ecologically, socially, sociologically, and legally, how important it is for the state to ensure the right to protect the health of the human and to use medical services.

According to the author, in order to ensure the right to health care and access to medical services, the following fundamental tasks must be successfully performed by the state:

modern leadership and leadership (this element includes strategic planning, local legislation, leadership structure);

data and its transparency in the field of health care and health care (openness of data in the field of health care in society, analysis of data, system of data collection and publication);

financing the system of increasing medical services (adequate financial support system, the need for medical services available to the lower strata of the population, availability of financial resources);

training program in the field of health care (training with practical and practical experience, selection and training of staff, retraining, promotion system);

the universality of increasing the medical service (the quality of medical service, its specialization, managing the system of preventing accidents and protecting public health);

availability of drugs and technological resources (technology for drug development, development or supply of modern medical equipment, availability of vaccines and nanotechnology)¹⁰.

At this point, we fully agree with the fundamental questions that have been raised. It is required that the fulfillment of important tasks become the second priority for the state, especially for the government. In addition to the existing private and public policy, the implementation of the system of access to the system of openness and public consultation will be of decisive importance in ensuring the constitutional right of people to access medical services

¹⁰ Magnusson R. Advancing the right to health: the vital role of law //Advancing the Right to Health: The Vital Role of Law, World Health Organization, Switzerland. – 2017.



Used literature:

1. Бушуева В. П. Конституционное право граждан на охрану здоровья и медицинскую помощь в Российской Федерации на современном этапе //Автореф. дисс.... канд. юрид. наук. – 2006.
2. Toebes B. The right to health as a human right in international law //Refugee Survey Quarterly. – 2001. – Т. 20. – №. 3.
3. Каменская Н. А. Конституционное право на охрану здоровья и медицинскую помощь: современные гарантии обеспечения, принципы реализации и механизмы защиты : дис. – 2011. – С. 4.
4. Холодова Т. Ю. Конституционно-правовое обеспечение прав граждан на охрану здоровья и медицинскую помощь в Российской Федерации: Автореф. дис.. канд. юрид. наук. М., 2007. – С. 26.
5. Матузов Н.И. Актуальные проблемы теории права. – Саратов: Саратов. гос. академия права, 2003. – С. 439.
6. Колоткина О.А. Право личности на безопасность: Понятие и механизмы обеспечения в РФ: Теоретико-правовое исследование: дисс. канд. юрид. наук. – Саратов, 2009. – С. 19
7. Харт Г. Л. А. Понятие права/Пер. с англ.; под общ. ред. ЕВ Афонасина и СВ Моисеева. – 2007.
8. Congress U. S. Declaration of independence //Available in: <http://memory.loc.gov/cgi-bin/ampage>. – 1776.; Калинина З. З. «Декларация независимости» 1776 года-основная предпосылка создания данного документа //Публичное право и управление: перспективы
9. Duranti M. The Holocaust, the legacy of 1789 and the birth of international human rights law: Revisiting the foundation myth //Journal of Genocide Research. – 2012. – Т. 14. – №. 2. – С. 159-186.;
10. Jellinek G. The declaration of the rights of man and of citizens: a contribution to modern constitutional history. – Н. Holt, 1901.
11. Johnson V. R. The Declaration of the Rights of Man and of Citizens of 1789, the Reign of Terror, and the Revolutionary Tribunal of Paris //BC Int'l & Comp. L. Rev. – 1990. – Т. 13. – С. 1.
12. Адаменя Д. В. Билль о правах 1791 г.: десять поправок к Конституции США. – 2020.
13. Johnson V. R. The Great Charter //Texas Bar Journal. – 2015. – Т. 2015. – №. April. – С. 266.; Крашенинникова Н. А. Великая хартия вольностей 1215 г.(современная интерпретация) //Вестник Московского университета. Сер. 11, Право. – 2002. – №. 3. – С. 86-107.
14. Томсинов В. А. «Славная революция» 1688-1689 годов в Англии и Билль о правах: Учебное пособие. М. – 2010. — С. 236–250.
15. World Health Organization et al. Minutes of the Technical Preparatory Committee for the International Health Conference: Held in Paris from 18 March to 5 April, 1946. – WHO, 1947.
16. Устав В. О. З. ВОЗ. Основные документы. – 2005.
17. Малеев Ю. Н. К вопросу о Международном пакте об обязанностях человека //Московский журнал международного права. – 2014. – №. 3. – С. 65-83.
18. Исполинов А. Правовой статус Всеобщей декларации прав человека (к 70-летию принятия) //Сравнительное конституционное обозрение. – 2018. – №. 4. – С. 100-107.
19. Чиркин В. Е. Международный пакт об экономических, социальных и культурных правах 1966г. и конституционное право //Международные пакты о правах человека:



ценностные характеристики. – 2016. – С. 29-34.

20. Всеобщая декларация прав человека от 10 декабря 1948 г. URL: http://www.un.org/ru/documents/decl_conv/declarations/declhr.shtml.; <http://constitution.uz/uz/pages/humanrights>

21. International Covenant on Economic, Social and Cultural Rights, opened for signature 16 December 1966, 993 UNTS 3 (entered into force 3 January 1976)

22. UN Inter-agency Group for Child Mortality Estimation. Levels & trends in child mortality: report 2015. New York (NY): United Nations Children’s Fund; 2015

23. (http://www.who.int/maternal_child_adolescent/documents/levels_trends_child_mortality_2015/en/).

24. Trends in maternal mortality: 1990 to 2015. Estimates by WHO, UNICEF, UNFPA, the World Bank and the United Nations Population Division. Geneva: World Health Organization; 2015

25. (<http://www.who.int/reproductivehealth/publications/monitoring/maternal-mortality-2015/en/>).

26. Trends in maternal mortality: 1990 to 2015. Estimates by WHO, UNICEF, UNFPA, the World Bank and the United Nations Population Division. Geneva: World Health Organization; 2015 (<http://www.who.int/reproductivehealth/publications/monitoring/maternal-mortality-2015/en/>).

27. Magnusson R. Advancing the right to health: the vital role of law //Advancing the Right to Health: The Vital Role of Law, World Health Organization, Switzerland

28. Jakhongir, K. (2023). LEGAL GUARANTEES OF THE USE OF THE INTERNET BY INDIVIDUALS. World Bulletin of Management and Law, 18, 33-37.

29. Анварова Д. А. Хотин-қизлар ижтимоий ҳуқуқларини таъминлашнинг ташкилий ҳуқуқий механизмларини такомиллаштириш //SIYOSATSHUNOSLIK, HUQUQ VA XALQARO MUNOSABATLAR JURNALI. – 2023. – Т. 2. – №. 2. – С. 17-24.

30. Тикашева, Г. (2022). ОБЕСПЕЧЕНИЕ ПРАВ РЕБЁНКА В РЕСПУБЛИКЕ УЗБЕКИСТАН И НЕКОТОРЫЕ ПРЕДЛОЖЕНИЯ В ЭТОЙ СФЕРЕ. Zamonaviy dunyoda innovatsion tadqiqotlar: Nazariya va amaliyot, 1(22), 93-95.

31. Тикашева, Г. (2022). АНАЛИЗ НЕКОТОРЫХ НОРМАТИВНО-ПРАВОВЫХ АКТОВ РЕСПУБЛИКИ УЗБЕКИСТАН В СФЕРЕ ОБЕСПЕЧЕНИЯ ПРАВ РЕБЁНКА. Евразийский журнал академических исследований, 2(9), 113-118.

32. Караходжаева , О. . (2022). КОНТРОЛЬНЫЕ ФУНКЦИИ В ДЕЯТЕЛЬНОСТИ ПАРЛАМЕНТА. Евразийский журнал академических исследований, 2(12), 160–166. извлечено от <https://in-academy.uz/index.php/ejar/article/view/10101>

33. Караходжаева , О. ОСОБЕННОСТИ КОНСТИТУЦИОННОГО СУДОПРОИЗВОДСТВА В РЕСПУБЛИКЕ УЗБЕКИСТАН. Том 6 № 7 (2021): ЖУРНАЛ ПРАВОВЫХ ИССЛЕДОВАНИЙ.<https://www.tadqiqot.uz/index.php/law/article/view/2780>

34. <https://nauka.ru>>storage. Женщины и образование: правовые гарантии. Караходжаева О.Р.

35. Jaxongir Qudratillayev, [30.08.2023 12:01] Jakhongir, K. (2023). LEGAL GUARANTEES OF THE USE OF THE INTERNET BY INDIVIDUALS. World Bulletin of Management and Law, 18, 33-37.

36. Jaxongir Qudratillayev, [30.08.2023 12:01] Jaxongir, Q., & Zokirjon, O. G. L. (2022). Mahalliy ijro hokimiyat organlari boshqaruv tizimini isloh etish masalalari. Ta’lim fidoyilari, 13, 51-54.

