

# WAR IN UKRAINE AND THE ROLE OF INTERNATIONAL NON-GOVERNMENTAL ORGANIZATIONS IN ENSURING INTERNATIONAL COOPERATION OF STATES IN THE FIELD OF HEALTH CARE

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**Annotation.** *The purpose of this scientific article is to identify the role of international non-governmental organizations in ensuring international cooperation of states in the field of health care.*

*The article focuses on the role of such international non-governmental organizations during the war in Ukraine: the Red Cross Committee, the World Medical Association, the International Pharmaceutical Federation, etc.*

*International cooperation of states in the field of health care is a complex of legal means and institutions that the subjects of international public law - states - use to achieve common goals in the field of health care, which is implemented in the forms of multilateral and bilateral participation and is carried out accordingly to generally recognized principles and norms of international law. It can be carried out with the participation of both states and international intergovernmental organizations, but not international public organizations.*

*The subject of international legal relations in the field of health care can only be that international organization that is endowed by its member states with special competence, defined in its charter. The term “international intergovernmental organization” is not synonymous with the term “international public organization”.*

*The participation of non-governmental legal entities in activities in the field of health care does not contradict the norms of international law, however, they are not subjects of international legal relations in the field of health care, because they are not endowed by the states with special competence, which would be determined in their statute.*

**Keywords:** *a person, the highest social value, displaced persons, the Ukrainian Red Cross, The World Medical Association, the Health Care Committee of the European Business Association, World Psychiatric Association.*

## 1. Formulation of the problem.

A person is the highest social value [1]. The health of the population is one of the most important factors in the development of the economy of any country and the well-being of the population. Over the last half century, the ability of the health care system to influence the health of the population has increased several times. According to the definition of the WHO, a modern health care system should ensure the availability of medical services for those who need them most, be characterized by high quality and safety of medical services, and ensure the maximum possible health outcomes at the population level. According to the WHO, the health care system, provided it is effectively organized, can ensure a decrease in total mortality under the age of 75 – by 23% in men and by 32% in women; mortality from coronary heart disease – by 40-50% [2].

The hostilities on the territory of Ukraine do not stop - the Russian invaders continue to hold a number of temporarily captured settlements, make attempts to capture others, the ARC, part of the Luhansk and Donetsk regions remain occupied.

The activity of the Red Cross Society of Ukraine is active in Ukraine. It is based on the Geneva Conventions of August 12, 1949, as well as on three Additional Protocols to them dated June 8, 1977 (I, II) and December 8, 2005 (III). The activities of the Ukrainian Red Cross Society are regulated by the Law of Ukraine "On the Red Cross Society of Ukraine" of 2014, the Law of Ukraine "On the Symbolism of the Red Cross, Red Crescent, Red Crystal in Ukraine" of 2010, Decree of the President of Ukraine dated 28.10.1992 No. 548/92 "On the Society of the Red Cross of Ukraine", as well as the Statute of the Red Cross of Ukraine [3].

The Ukrainian Red Cross fruitfully cooperates with 21 national societies of foreign countries with which cooperation agreements have been concluded, with the financial support of international colleagues, it carries out more than 20 humanitarian programs every year [3].

More and more people from the east of Ukraine, the south and the north of Ukraine are coming to Zakarpattia Oblast. They become internally displaced persons. Discrimination of internally displaced persons in the field of health care is certainly unacceptable - the state is obliged to ensure their right to health care and medical assistance.

From February 24, 2022, the Red Cross Society of Ukraine mobilized all forces and resources for an immediate response to the humanitarian crisis that arose from the unfolding of the armed conflict in Ukraine. The main task of the Society's organizations is to provide the basic needs that currently arise for people fleeing the war and starting to live in a new place [3].

District, city-district, city and regional organizations of the Red Cross Society of Ukraine at the local level support IDPs. In organizations, volunteers and employees of the Red Cross Society of Ukraine issue food kits (cereals, pasta, canned goods, sugar, flour, oil and other long-term storage products), hygiene products (baby and adult diapers, male and female hygiene products, disinfectant solutions, etc.). Medicines and medicines can also be issued to people if available. In addition, the organizations have Clothing Banks, where there are both new and used items that anyone who applies can take for themselves and their families. The Clothing Bank has clothes for adults, children's things, toys, and there may also be basic necessities: dishes, blankets, bed linen, towels, etc. [3].

There is a war going on in Ukraine. The number of rocket attacks is increasing every day. More and more people suffer from war.

In such conditions, the role of international non-governmental organizations in ensuring international cooperation of states in the field of health care is strengthened.

The participation of non-governmental legal entities in activities in the field of health care does not contradict the norms of international law, however, they are not subjects of international legal relations in the field of health care, because they are not endowed by the states with special competence, which would be determined in their statute.

The purpose of this scientific article is to identify the role of international non-governmental organizations in ensuring international cooperation of states in the field of health care.

## 2. Analysis of scientific publications.

The issue of international cooperation of states in the field of health care was studied in the scientific works of Yu. Bysaga [4; 5; 6; 7], S. Buletsa [8; 9;], L. Deshko [10; 11; 12; 13; 14] and others. In particular, in the scientific works of L. Deshko, it is rightly noted that the objective necessity of international cooperation in the field of health care is explained by the importance of this type of activity for humanity. In particular, its results played, are playing and will play an important role in solving global problems of humanity (epidemics of plague, typhus, cholera, etc., pandemics caused by influenza viruses (H1N1, H3N2, H2N2) and highly pathogenic strains of bird flu (H5N1, H7N3), the SARS-CoV-2 coronavirus, etc., maintenance of international peace and security, etc.), as well as in ensuring sustainable development [15].

Also, Professor Lyudmila Deshko correctly emphasizes in her research that there has been an expansion and deepening of international cooperation in the following areas: human rights in the field of health care, the international mechanism for their protection; international cooperation in the field of creation,



production, quality control and sale of medicinal products; international cooperation in the fight against the circulation of falsified medicinal products; international cooperation in the field of combating the illegal circulation of narcotic drugs, psychotropic substances and precursors; international cooperation in the field of providing medical care with the use of transplantation and implementation of activities related to transplantation; international cooperation in the field of hematopoietic stem cell transplantation; international cooperation in the field of blood donation and its components; international cooperation in the field of sanitary protection of the territory and ensuring the epidemiological well-being of the population [15]. Also on the agenda were issues of global human security in connection with pandemics caused by influenza viruses (H1N1, H3N2, H2N2) and highly pathogenic strains of bird flu (H5N1, H7N3), SARS-CoV-2 coronavirus, etc., and other factors [15].

This study develops the approaches laid down by L. Deshko regarding international cooperation in the field of health care and focuses on the issue of the role of international non-governmental organizations in ensuring international cooperation of states in the field of health care in the conditions of Russian aggression against Ukraine.

### **3. Presentation of the main material of the study.**

Public organizations, activists and volunteers were the first to respond to the challenges posed to the communities by Russia's full-scale war in Ukraine - helping the military, searching, setting up logistics, supporting people who come to the community in search of medical assistance, security, collecting humanitarian aid, etc.

The World Medical Association was founded against the background of the atrocities of war and the abuse of the medical profession to violate human rights and dignity. As L. Deshko notes, on September 17, 1947, the World Medical Association was founded – an international organization that represents doctors of the world. It is designed to ensure professional independence (autonomy) of doctors and high standards of their professional activity. The World Medical Association adopts norms of medical activity, which are mandatory for doctors of all countries of the world.

The World Medical Association condemns the Russian invasion of the territory of Ukraine and calls for an end to hostilities; the world medical organization believes that the Russian political leadership and the Russian armed forces are responsible for the human suffering caused by the conflict.

According to the WMA statement on the cooperation of national medical associations during or in the aftermath of conflicts all national medical associations and their members have an obligation to uphold the ethos of medicine, to demonstrate absolute forthrightness and honesty in confronting historical and ongoing national conflicts, as well as to preserve the lessons gleaned from all forms of unethical behavior. This includes maintaining a clear commitment to human rights, explicitly rejecting racial, religious, gender, sexual orientation and any other forms of discrimination and actively confronting moral failures of the medical profession [16].

In 1912, the International Pharmaceutical Federation was founded – the World Federation of National Pharmaceutical (Scientific) Associations. It is designed to represent the interests of pharmacy and pharmaceutical science throughout the world. The International Pharmaceutical Organization has the status of a non-governmental organization [18; 19], which cooperates with WHO [20]. The organization holds annual congresses, considering current issues in the field of pharmacy (Internet pharmacy, etc.).

Member companies of the Health Care Committee of the European Business Association continue to support the health care system of Ukraine, providing humanitarian aid to patients of Ukraine with vital medicines and medical products, as well as providing financial assistance to charitable organizations and international funds.

Since the beginning of the military aggression of the Russian Federation against Ukraine, pharmaceutical companies of the Association Committee, namely: Abbott, AbbVie, Adamed, Alcon, Arterium, Astellas, AstraZeneca, Bausch Health, Bayer, Berlin-Chemie, BMT Medical Technology s.r.o., Boehringer Ingelheim, Darnitsa, Egis, Farmak, Fresenius Medical Care, Gedeon Richter, GSK, Glenmark, Johnson & Johnson, MSD,

Novartis, Orion Pharma, Pfizer, Philips, Polpharma, Reckitt Benckiser, Recordati, Roche, Sandoz, Sanofi, Santen, Servier, Takeda, Teva, USB, Wörwag Pharma provided assistance to Ukraine in the amount of about 234 million US dollars, which is more than 8 billion 659 million hryvnias [17].

In 1980, the Section of laboratories and drug control services was created, which is designed, in particular, to determine the principles of quality assurance of medicinal products, to investigate their quality, and to exchange information on issues of quality assurance control. Thus, as a result of studies of such generic drugs as glibenclamide, carbamazepine, prednisone, phenytoin, furosemide, differences in their solubility (in vitro) were established, which indicates the risks of their absorption. This information was distributed among all countries of the world [15].

In 1950, the World Psychiatric Association was founded, which is designed, among other things, to expand the knowledge and skills necessary for work in the field of mental health, to contribute to the improvement of care for mentally ill persons, to carry out the prevention of mental disorders, to protect the rights of mentally ill people, to promote the development and to observe the highest ethical standards and quality standards when conducting research and providing psychiatric care, to promote compliance with the principle of non-discrimination when providing care to the mentally ill, to protect the rights of psychiatrists.

Although initially the World Psychiatric Association was created to hold world psychiatric congresses once every three years, later its activities expanded and began to include: conducting regional meetings, improving the quality of training of specialists, developing and adopting ethical, scientific and therapeutic standards in the field of psychiatry. Thus, the World Psychiatric Association participated in the implementation of the code of professional ethics for psychiatrists. To overcome the severe consequences of stigma and discrimination associated with schizophrenia, the World Psychiatric Association initiated the launch of the global program "Open-the-Doors" (1996). In 2005, the Stigma and Mental Health Section of the Organization was established [15].

Therefore, the international cooperation of states in the field of health care is a complex of legal means and institutions that the subjects of international public law – states – use to achieve common goals in the field of health care, which is implemented in the forms of multilateral and bilateral participation and is carried out in accordance with generally recognized principles and norms of international law. It can be carried out with the participation of both states and international intergovernmental organizations, but not international public organizations.

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## References:

1. The Constitution of Ukraine. URL: [https://www.rada.gov.ua/en/news/Constitution\\_of\\_Ukraine/](https://www.rada.gov.ua/en/news/Constitution_of_Ukraine/).
2. Kontsepsiia rozvytku systemy okhorony zdorovia Zakarpatskoi oblasti. URL: <https://zakarpat-rada.gov.ua/kontsepsiya-rozvytku-systemy-okhorony-zdorovya-zakarpatskoji-oblasti/>.
3. Dopomoha vnutrishno peremishchenym osobam. URL: <https://redcross.org.ua/idps/>.
4. Bysaha Yu., Deshko L. Metodolohiia doslidzhennia konstytutsiinoho prava zvertatysia do mizhnarodnykh sudovykh ustanov ta mizhnarodnykh orhanizatsii. Naukovyi visnyk Mizhnarodnoho humanitarnoho universytetu. Seriiia Yurydychni nauky. 2016. № 21. S. 14–16. URL: <http://www.vestnik-pravo.mgu.od.ua/index.php/arkhiv-nomeriv?id=91>.



5. Bysaha Yu., Deshko L., Nechyporuk H. Mizhnarodna bezpeka, natsionalna bezpeka, konstytutsiina bezpeka: teoretyko-pravovi pidkhody. Porivnialno-analitychne pravo. 2020. №4. S. 43–49. URL: [http://pap-journal.in.ua/wp-content/uploads/2020/08/PAP-4\\_2020.pdf](http://pap-journal.in.ua/wp-content/uploads/2020/08/PAP-4_2020.pdf).
6. Deshko L., Bysaga Y., Bysaga Y. Public procurement in the healthcare sector: adaptation of the administrative legislation of Ukraine to the EU legislation. Georgian Medical News. 2019. № 6 (291). P. 126–130. URL: [https://cdn.website-editor.net/480918712df344a4a77508d4cd7815ab/files/uploaded/V291\\_N6\\_June\\_2019.pdf](https://cdn.website-editor.net/480918712df344a4a77508d4cd7815ab/files/uploaded/V291_N6_June_2019.pdf).
7. Deshko L., Bysaga Y., Kalyniuk S., Bysaga Y. State Obligations on Provision the Right of Primary Healthcare Doctor for Medical Practice as Entrepreneurship in the Light of Transformation of the Health Care System of Ukraine. Georgian Medical News. 2020. №6 (303). P. 194–199. URL: <https://www.geomednews.com/V303-june-2020>.
8. Buletsa S., Deshko L. Comprehensive Reforms of the Health Care System in Different Regions of the World. Medicine and Law. 2018. Vol. 37. No. 4. P. 683–700.
9. Buletsa S., Deshko L., Zaborovskyy V. The peculiarities of changing health care system in Ukraine. Medicine and Law. 2019. Vol. 38. № 3. P. 427–442.
10. Volkov V.D., Deshko L.N., Zablotskyi V.P. y dr. Medytsynskoe pravo Ukrainy: Uchebnoe posobyе. Donetsk: DonNU, 2005. 268 s.
11. Ezer T., Deshko L., Clark N. G. et al. Promoting public health through clinical legal education: Initiatives in South Africa, Thailand, and Ukraine. Human Rights Brief. 2010. № 17/27. P. 32. URL: <http://www.wcl.american.edu/hrbrief/17/2ezer.pdf>.
12. Deshko L. Patenting of medicinal products: the experience of implementation of the flexible provisions of the TRIPS-plus Agreement by foreign countries and the fundamental patent reform in Ukraine. Georgian Medical News. 2018. № 9. P. 161–164.
13. Deshko L., Vasylchenko O., Sherbak I., Galai V., Medvid A. Ukraine's international liabilities on initiation of measures for public health protection and the role of local authorities in implementation of health care policy. Georgian medical news. 2021. Volume 312. P. 163–168.
14. Deshko L. Derzhavne rehuliuвання tsinoutvorennia na likarski zasoby v krainakh Yevropeiskoho Spivtovarystva ta inshykh krainakh. Pidpriemnytstvo, hospodarstvo i pravo. 2007. № 5. S. 113–119.
15. Medychne pravo: pidruchnyk / za zah. red. d-ra yuryd.nauk, prof. S.B. Buletsy; d-ra yuryd. Nauk., dots. M.V. Mendzhul. Uzhhorod: TOV «RIK-U», 2021. 720 s.
16. WMA statement on the cooperation of national medical associations during or in the aftermath of conflicts. URL: <https://www.wma.net/policies-post/wma-statement-on-the-cooperation-of-national-medical-associations-during-or-in-the-aftermath-of-conflicts/>.
17. Piv roku viiny. Pidtrymka Ukrainy farmatsevychnoiu spilnotoiu Yevropeiskoi Biznes Asotsiatsii. URL: <https://eba.com.ua/piv-roku-vijny-pidtrymka-ukrainy-farmatsevychnoyu-spilnotoyu-yevropejskoyi-biznes-asotsiatsiyi/>.
18. Deshko L., Lotiuk O., Sinkevych O., Kravtsova Z., Kudriavtseva O., Cherniak I. The human right to quality medical care: changing the paradigm of international cooperation between states and interaction of public authorities and local self-government in foreign countries. Georgian medical news. 2021. Volume 319. P. 160–165. URL: <https://www.geomednews.com/past-issues>.
19. Deshko L. Vyrobnnytstvo ta torhivlia vyrobamy medychnoho pryznachennia ta medychnoiu tekhnikoju yak vydy hospodarskoi diialnosti u sferi okhorony zdorovia. Porivnialno-analitychne pravo». 2016. № 1. URL: [http://pap-journal.in.ua/wp-content/uploads/2020/08/1\\_2016.pdf](http://pap-journal.in.ua/wp-content/uploads/2020/08/1_2016.pdf).
20. Ventskivska I., Deshko L., Lotiuk O., Vasylchenko O., Narytnyk T. Mandatory vaccination of medical personnel against COVID-19: European standards of its introduction. Reproductive endocrinology. 2022. № (65). P. 108–112.



21. Byelov D., Danko V., Paradigm as a legal category in the conditions of the military invasion of the russian federation. *Visegrad Journal on Human Rights*. 2022. Issue 2. p. 17–21.
22. Byelova M., Farcash I.-M., Byelov D., The principle of humanism and its content in the conditions of the formation of the newest social paradigm. *European Socio-Legal and Humanitarian Studies*. 2022. Issue 1. p. 30–43.

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