

# АДМІНІСТРАТИВНЕ ПРАВО І ПРОЦЕС. ІНФОРМАЦІЙНЕ ПРАВО

UDC 342.9:614.253.8

<https://doi.org/10.31548/law2021.03.013>

## THE ROLE OF THE STATE IN COMBATING COVID-19: VACCINATION PROBLEMS

**O.P. SVITLYCHNYI**, D.Sc (Law), Associate Professor,  
Professor of the Department of Civil and Commercial Law  
National University of Life and Environmental Sciences of Ukraine  
E-mail: a.svetlichnyj@ukr.net

**Summary.** The article emphasizes that the health of the population, which is one of the greatest values, is a necessary condition for socio-economic development of the country and emphasizes that in the fight against acute respiratory disease COVID-19, vaccination of the population of Ukraine is important. The legal acts are analyzed, the problematic issues related to vaccination of the population are revealed. One of the reasons for mistrust is the spread of false information about vaccination.

It is emphasized that the solution of the existing problems of vaccination puts before the state the need to take appropriate organizational and legal measures. The Law of Ukraine «On the Public Health System», № 4142, which is in the Verkhovna Rada of Ukraine, should play an important role in this issue.

**Keywords:** state, government, regulations, health, COVID-19, vaccination

### **Introduction.**

The issue of independence of Ukrainian statehood, caused by Russia's military aggression against Ukraine, along with the fight against the coronavirus COVID-19 are today one of the most important and problematic issues of the state. Along with tens of thousands of deaths, the pandemic has also hit all the world's economies. Last year, international tourism and related industries alone suffered \$ 2.4 trillion in losses. This year's forecasts are also disappointing. The only way out is to vac-

inate the population. Vaccination rates vary around the world, and the steps countries take to involve people in vaccinations are creative in some countries. In particular, cash cards worth 150 euros are distributed to vaccinated people in Greece, Poland has launched a lottery, and in the United States there are raffles with cash prizes, tickets to the Baseball Super Cup and cruises, even vaccinated beer is given, and so on.

Solving the existing problem of the vaccination procedure puts before the state the need to take appropriate organizational measures, as a result of which

the order of the Ministry of Health of Ukraine approved the «Roadmap for vaccination against acute respiratory disease COVID-19 caused by coronavirus SARS-CoV-2, and mass vaccination response to the COVID-19 pandemic in Ukraine in 2021-2022» dated 24.12.2020. At the same time, the implementation of a vaccination program largely depends not only on the availability of vaccines, but also on the existing, albeit insignificant, anti-vaccine movement.

Thus, the issue of vaccination or, more precisely, the problem of insufficient coverage of the population with vaccination is particularly urgent today. Under such conditions, there is a need to intensify the Ministry of Health and the media in terms of explanatory policy on vaccination of the population of Ukraine.

### ***Analysis of recent research and publications.***

Despite the fact that the issue of COVID-19 is constantly covered by the Ministry of Health and the media, the issue of research on the problematic issues of countering the pandemic to date, still attracts little attention of legal scholars, which indicates the need for research.

*The aim of the article* is to study the issues related to COVID-19 and the problems of vaccination of the population in Ukraine.

### ***Results.***

An outbreak of coronavirus infection COVID-19 (a new type of pneumonia) began in late December 2019. The first cases of pneumonia of unknown origin were found in residents of Wuhan, Hubei

Province, central China. The disease was associated with the local animal and sea-food market. On December 31, 2019, the Chinese authorities reported an outbreak of unknown pneumonia to the World Health Organization (WHO). On January 30, the WHO recognized the outbreak of the new coronavirus as an international health emergency. On February 11, 2020, the disease was named the new coronavirus pneumonia – COVID-2019 (official name SARS-CoV-2).

Problematic issues caused by the COVID-19 pandemic in the world and Ukraine prompted the Cabinet of Ministers of Ukraine, which is the highest body in the system of executive authorities, to adopt a resolution «On preventing the spread of coronavirus COVID-19 in Ukraine» from 11.03.2020 № 211, which from 12.03. In 2020, measures aimed at counteracting the spread of quarantine measures were introduced throughout Ukraine. Subsequently, the Government adopted a number of decrees and orders to combat the pandemic.

Given that the spread of acute respiratory illness COVID-19 caused by SARS-CoV-2, which poses a threat to personal, public and national security, has severe socio-economic and demographic consequences, in order to strengthen public protection, immediate action to combat the spread of COVID-19 in Ukraine, by the Decree of the President of Ukraine 16.03. 2020 № 88/2020 the Coordination Council for Combating the Spread of COVID-19 was established, and the Verkhovna Rada of Ukraine adopted the Law of Ukraine «On Amendments to Certain Legislative Acts of Ukraine Aimed at Preventing the Occurrence and Spread of Coronavirus (COVID-19)» From 17.03.2020 № 530-IX, which is extremely important for citizens, society, state.

In general, according to Johns Hopkins University in the United States, more than 183 million 788 thousand cases of COVID-19 have been registered since the beginning of the pandemic, of which more than 3 million 977 thousand died, including, according to the Ministry of Health of Ukraine in our country, the state registered 2 million 300 thousand cases of COVID-19, 54758 – fatalities («Coronavirus in Ukraine...»).

Vaccination of Ukrainian citizens should help solve the problem of preserving health and life. Vaccination is one of the most important elements in overcoming the COVID-19 pandemic.

In order to effectively implement the vaccination plan, the Ministry of Health of Ukraine has an operational headquarters, which aims to cover at least 50 % of the population of Ukraine (20 million people) with COVID-19 vaccination in 2021–2022. At the same time, vaccination against COVID-19 in Ukraine will be voluntary for all groups of the population and occupational risk groups. It will not interfere with routine vaccination in accordance with the Vaccination Calendar to prevent a reduction in vaccination against other diseases.

The plan approved 4 stages of vaccination of the population:

1) January-April 2021 – people at critical risk of infection and development of COVID-19 and those who perform critical functions in the fight against the COVID-19 pandemic;

2) April-June 2021 – people with an extremely high risk of infection and development of COVID-19 and those who provide medical services;

3) June-September 2021 – people at high risk of infection and development of COVID-19 and those who perform functions to maintain the security and livelihood of the state;

4) September 2021 – March 2022 – people at increased risk of infection and development of COVID-19 and those who perform functions to support the security and livelihood of the state.

The population will be vaccinated on the basis of available vaccination points, mobile immunization teams, as well as in temporary vaccination centers.

The order of the Cabinet of Ministers of Ukraine of April 12, 2021 approved the National Plan for vaccine prophylaxis of acute respiratory disease COVID-19 caused by coronavirus SARS-CoV-2, for the period up to December 31, 2021. Given that both in Ukraine and in the world there is distrust in vaccines against COVID-19, the order of the Cabinet of Ministers of Ukraine instructed the Ministry of Health, together with the Ministry of Culture and Information Policy to ensure effective outreach. on vaccination of the population in order to prevent the spread of acute respiratory disease COVID-19 caused by coronavirus SARS-CoV-2 in Ukraine. And oblast and Kyiv city state administrations and local self-government bodies are called upon to ensure vaccination coverage of the majority of the adult population by December 31, 2021 for the formation of collective immunity from COVID-19.

In addition, the resolution of the Cabinet of Ministers of Ukraine «Some issues of formation and use of a certificate confirming vaccination against acute respiratory disease COVID-19 caused by coronavirus SARS-CoV-2, a negative test result or recovery from this disease» from 29.06.2021. № 677, approved the Procedure for the formation and use of a certificate confirming vaccination against COVID-19, which have a negative result of testing or recovery of the person from this disease, taking into account the rec-

ommendations of the European Commission 2021/472 from 17.03.2021.

This resolution obliges: The Ministry of Foreign Affairs to ensure the inclusion of data on the possibility of using the COVID-certificate to cross the state border of foreign countries in the interactive resource to reflect the peculiarities of entry into foreign countries; to ensure the conclusion of international agreements on mutual recognition of COVID-certificates in accordance with the established procedure in agreement with the Ministry of Health; to inform the Administration of the State Border Guard Service about the terms of the concluded international agreements on mutual recognition of COVID-certificates. Administration of the State Border Guard Service: to ensure the verification of the availability of COVID-certificates, the affiliation of the presented COVID-certificates to citizens of Ukraine, foreigners and stateless persons permanently residing in Ukraine, persons recognized as refugees or in need of additional protection by Ukraine, or citizens of states which Ukraine has concluded international agreements on mutual recognition of COVID-certificates.

Today Ukraine is actively negotiating with EU countries on mutual recognition of COVID certificates. As for vaccination, as of July 5, 2021, 850,394,000 people, or 2 % of the country's population, received full vaccination, 2,074,986 citizens, or 5 % of the population, received at least one vaccination dose, while 24 % of the world's population at least one dose of the vaccine («Coronavirus in Ukraine...»).

Despite the significant number of public administration entities involved in the fight against coronavirus infectious disease COVID-19, whose activities take place in the form of management activities and are carried out by legislative and executive authorities, local governments,

as well as individual non-governmental bodies and institutions, that the state and its authorized subjects as a whole are not ready to fulfill the instructions established by them (Svitlichnyy, 2020: 126).

At the same time, the current health care system in our country is critical. If European countries have chosen in recent decades to move from health surveillance and communicable disease control to «new» public health, focusing on health promotion, disease prevention and cross-sectoral interaction that goes beyond the health care system. This re-orientation has allowed the countries of the European Union to make a significant leap in public health. There, the average life expectancy of men is 72 years, women – 80. Instead, Ukraine's indicators over the past 20 years remain at the same level and on average 5 years lower than in Europe. Men in our country live an average of 66 years, and women – 76 («Explanatory note...»).

It should be noted that disease prevention and sanitary-epidemiological control are provided by the Association Agreement between Ukraine and the European Union, the European Atomic Energy Community and their Member States, on the other hand, from 16.09.2014 №1678-VII (according to Article 427 Chapter 22 «Public Health» of Section V «Economic and Sectoral Cooperation» of the Agreement).

The issues related to COVID-19 are not limited to the following in this article, and therefore, necessitates further scientific research to overcome coronavirus disease and related issues.

### ***Conclusions and prospects.***

The strategic goal of the Ministry of Health of Ukraine is to form in Ukrainians a collective immunity to a deadly disease.

To this end, at least 60 % of the population needs to be immunized, but public distrust of vaccination, due to the dissemination of false and unverified information, has posed problematic issues for the state.

Given the unsatisfactory state of sanitary and epidemiological well-being, despite the presence of a significant number of regulations governing relations in the components of the system (sanitary and epidemiological well-being, health, environment and other areas related to public health Ukraine), Ukraine still lacks a single normatively defined public health system capable of responding to challenges related to the health and well-being of the population, and the current legislation in the field of sanitary and epidemiological well-being has not been systematically

updated. late 90's, so it is necessary to adopt the draft Law of Ukraine «On Public Health», which should play an important role in a pandemic.

---

### References

1. Coronavirus in Ukraine and the world. Available at: <https://www.radiosvoboda.org/a/30466101/lb10lbi246398.html> (in Ukrainian).
2. Svitlichnyy, O.P (2020). Activities of the public administration in the field of combating coronavirus COVID-19. *Law. Human. Environment*, 11: 124–132 (in Ukrainian).
3. Explanatory note to the draft Law of Ukraine «On the system public health». Available at: [http://w1.c1.rada.gov.ua/pls/zweb2/webproc4\\_1?pf3511=70025](http://w1.c1.rada.gov.ua/pls/zweb2/webproc4_1?pf3511=70025) (in Ukrainian).

---

### **О.П. Світличний (2021). РОЛЬ ДЕРЖАВИ У СФЕРІ БОРотьБИ ІЗ COVID-19: ПРОБЛЕМИ ВАКЦИНАЦІЇ.** *Law. Human. Environment*, 12(3): 107-111.

<https://doi.org/10.31548/law2021.03.013>

**Анотація.** У статті підкреслено, що здоров'я населення, яке є однією з найбільших цінностей, необхідною умовою для соціально-економічного розвитку країни та підкреслено, що в умовах боротьби із гострою респіраторною хворобою COVID-19, важливого значення набуває вакцинації населення України. Проаналізовано нормативно-правові акти, розкрито проблемні питання пов'язані вакцинацією населення. Одна з причин недовіри – поширення неправдивої інформації щодо вакцинації.

Акцентовано увагу, що розв'язання існуючих проблем вакцинації ставить перед державою необхідність здійснення відповідних організаційних та правових заходів. Важливу роль у цьому питанні повинен відіграти Закон України «Про систему громадського здоров'я», законопроект № 4142 якого знаходиться у Верховній Раді України.

**Ключові слова:** держава, уряд, нормативні акти, здоров'я, COVID-19, вакцинація