

Summary of the doctoral dissertation

„The constitutional duty of providing special health care for children and its implementation in practice.”

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The subject of the doctoral dissertation entitled „The constitutional duty of providing special health care for children and its implementation in practice.” is to characterize the implementation of the constitutional obligation to provide special health care to children, as well as to identify factors that influence the fact that significant problems still arise related to the state tasks in this regard. The main subject of the dissertation’s research is to verify the mechanisms guaranteeing children the constitutional right to high- quality healthcare. Additionally, the aim of the dissertation is to reveal the genesis and the evolution of the legal regulations concerning the indicated subject and their functioning in practice.

The area of the research undertaken cover particularly, in the sphere of a normative analysis, the provisions related to: the Constitution of the Republic of Poland of April 2, 1997 and the Act of November 6, 2008 on Patients’ Rights and the Patient’s Rights Ombudsman.

Chapter I deals with the rights of the child as specific human rights. The starting point for all considerations is an attempt to define the basic concepts, such as: child, health, healthcare and public authority, which allows for a more complete analysis of the existing legal regulations. Furthermore, it is essential to emphasize the legal subjectivity of the child and to recognize the axiological primacy of human dignity.

Chapter II constitutes an analysis of the constitutional guarantees in the field of healthcare. Therefore, it refers to the regulations concerning the right to health as well as the specific right healthcare guaranteed to a certain group of entities. The considerations within the indicated chapter focus on the relationship between the right to health protection and the right to life protection and the issue of a legal nature of Art. 68 of the Constitution of the Republic of Poland as well as general constitutional conditions.

Chapter III brings the presented subject to the level of strictly practical considerations, that is, the implementation of the constitutional guarantees within the applicable legal

regulations. The purpose of this Chapter is to present the problem of the child from the moment of conception and it constitutes an emanation of the child's legal subjectivity, somehow detached from the interests and subjectivity of parents.

Chapter IV contains an analysis of the applicable legal regulations in the context of the rights of the child as a patient. It verifies the statutory detailed legal solutions that are supposed to guarantee that the constitutional obligation resulting from Art. 68 of the Constitution of the Republic of Poland should be respected.

Chapter V indicates the specific legal problems arising from the implementation of this obligation. These are, in a way, challenges that the legislator will have to face in view of the dynamically developing medicine and the progress of biotechnological sciences.

The final part includes the final assessment of the legal regulations defining the specific legal position of the child in the healthcare system, conclusions on the practical implementation of the constitutional obligation to provide special healthcare for children, as well as the relevant *de lege ferenda* postulates.

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