

Some Problems of Rehabilitation of Servicemen Taking Part in the Hostilities: the International Legal Aspect and Ukrainian Experience

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SUMMARY

Introduction: This article deals with the problems of rehabilitation of servicemen taking part in hostilities in Ukraine and in the world. To defined a set of legal guarantees of servicemen taking part in hostilities for rehabilitations, as enshrined in international documents. The expediency of introducing progressive norms aimed at the most effective social rehabilitation of servicemen taking part in hostilities is proved. The article focuses on the positive foreign experience (such countries as Israel, Latvia, France, Belarus, Japan, Czech Republic, Great Britain, Holland, Belgium, Ireland, Germany) that can be used to improve the domestic legislation in the field of rehabilitation of servicemen taking part in hostilities.

Aim: To analyze the experience in providing medical and psychological rehabilitation to servicemen in the foreign countries and to analyze of some problems of medical and psychological rehabilitation of servicemen in Ukraine in the period of armed conflict.

Material and Methods: The research based on: international law, Ukrainian legislation, WHO Acts and Recommendations, scientific articles. The research is also based on general scientific and special research methods. For example, the dialectical method in clarifying the essence, meaning and content of medical and psychological rehabilitation of servicemen; statistical method when working with statistical data, reports; the formal legal method was used to analyze current international and foreign legislation and to formulate the recommendations, proposals for the improvement of the enforcement practice; the method of comparison - during comparative studies of the national, international and foreign law.

Results and Discussion: We define the following steps of reform the system of the rehabilitation of servicemen taking part in hostilities: a) adoption of the state program of medical and physical rehabilitation servicemen taking part in hostilities; b) to creation of target centers of the rehabilitation of servicemen taking part in hostilities; c) bringing Ukrainian legislation in line with international recommendations and standards in the field of rehabilitation of servicemen taking part in hostilities.

Conclusions: Developing countries need to implement the principles contained in international documents in the sphere rehabilitation servicemen taking part in hostilities, as well as to take into account positive foreign experience during creation and adoption of national legislation.

Key words: medical and psychological rehabilitation, servicemen

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INTRODUCTION

The long-standing military conflicts are constantly occurring in the world (for example, the military conflicts in countries like Syria, Croatia, Israel, Palestine). Most conflicts are international in nature. This means that they relate to the interests of not only a few states, but the international community as a whole.

On April 13, 2014, the military conflicts were formally launched in eastern Ukraine. The feature of such the conflicts is the permanent and long-term military operations, as a result of which every day we get information about the loss and injury of military personnel.

About 50,000 troops take part today, in the military conflict in the East of Ukraine and increased number who return to

the home disabled due to physical and psychological injury [1]. Such a phenomenon necessitated the creation of a system of rehabilitation (medical and psychological) of the military, their families. Anyone after having been in the conflict zone, returning to civilian life, may have problems with social adaptation and require specialist psychosocial support [2]. That is, complex rehabilitation.

During the 2014 and the first half of the year 2015 more than 3000 of soldiers who participated in the anti-terrorist operation in Eastern Ukraine expected to receive inpatient psychiatric care. The number of posttraumatic stress disorders among military and civilians has also increased. Only during 2014, disability due to various kinds of mental disorders was established in more than 10000 of people. Internally

displaced persons form a significant risk-group of people, who suffered mental traumatism, adaptive difficulties, traumatic experience psychogenic depression, anxiety and somatoform disorders, due to the lack of positive motivation for moving and the impossibility of further staying in their own home [3].

Soldiers returning from the antiterrorist operation zone have not only physical trauma, but also mental trauma, which is often a more serious problem [4].

Helping for soldiers with mental trauma is a necessary part of moral and psychological support of fighting troops. However, violation of mental equilibrium is not only detrimental to health, reducing their combat effectiveness, but in some cases requires considerable time. Suffice it to note that the restoration of physiological functions in the military who were wounded fighting in Afghanistan ended just after 2-3 months after a stay in hospital, and those who witnessed the death of their comrades and they said "miraculously survived" mental processes and skills recovered in 3-5 years [4].

The lack of the rehabilitation in the conditions of the military conflict or its inadequate quality for servicemen is a sign of the state's refusal from its own defenders. That is why the rehabilitation of servicemen is of national importance, an important component of the effectiveness of the health care system. Successful recovery of a wounded servicemen by 80% depends on the effectiveness of this process [5]. Therefore, specialized institutions of traumatology and orthopedics, other medical and sanatorium establishments should provide maximum assistance in post-traumatic and post-operative rehabilitation of servicemen.

At the end of the term of treatment in health care institutions, as a rule, servicemen have deep mental and physical defects and are not always ready to return to normal life, and need additional specialized care.

AIM

Analyze experience in providing medical and psychological rehabilitation to servicemen in the foreign countries and analyze of some problems of medical and psychological rehabilitation of servicemen in Ukraine in the period of armed conflict.

MATERIAL AND METHODS

The experience of certain countries has been analyzed in the research. Especially we analyzed the experience of the United States, Israel, EU countries. Additionally, we used statistical data of international organizations, conclusions of experts and international law.

In general, the theoretical bases of our research are the following researches: Olefir A.A., Pashkov V.M., Imamura M., Gutenbrunner C., Stucki G., Li J., Lains J., Frontera W., Olver J., DeLisa J., Battistella L. R., Melvin J., Misyura V. F. Tegza V.Y., Dyakonov I.F., Ovchinnikov B.V., Shpilenya L.S., Palekhova O.V., Badiuk M.I., Shevchuk O.S., Biryuk I.G., Yeshchenko A.I., Tsyrcot I.M., Kukovska I.L., Sykyrytska T.B. and others.

The research is also based on general scientific and special research methods. For example, the dialectical method - in

clarifying the essence, meaning and content of medical and psychological rehabilitation of servicemen; statistical method - when working with statistical data, reports; the formal legal method was used to analyze current international and foreign legislation and to formulate recommendations, proposals for the improvement of enforcement practice; the method of comparison - during comparative studies of domestic, international and foreign law.

RESULTS AND DISCUSSION

The modern concept of the rehabilitation of servicemen was formed in Great Britain and the USA during the Second World War. Subsequently. The most meaningful and complete definition of rehabilitation was adopted at the 9th Meeting of Ministers of Health and Social Security in Eastern European countries according to which rehabilitation is a system of state, social, medical, professional, pedagogical, psychological and other measures aimed at preventing development pathological processes leading to temporary or permanent disability, on the effective and early return of patients and invalids (children and adults) to society and to socially useful work [6].

The medical rehabilitation defined by the WHO Expert Committee in 1980 and mean an active process whose goal is to achieve the full restoration of impaired functions due to illness or injury, or, if this is not possible, optimal implementation of the physical, mental and social potential of the disabled person, adequate integration of it in society. The concept of medical rehabilitation is not only applied to disabled people, but also to many categories of wounded and sick at present. The rehabilitation, or the restorative treatment, is one of the foremost areas of modern medicine, increasing its social significance. Although the basic concepts and patterns of rehabilitation are not yet established, it can be assumed that all patients with a life-supportive prognosis of the disease need some degree of the rehabilitation. The basic concept of rehabilitation is the biopsychosocial model of normal and pathological states that originated in the depths of psychiatry [7].

The principles and recommendations (in the field of the rehabilitation including military personnel) have been formulated:

- in materials of meetings of the Committee of Experts WHO (1958, 1968);
- in the seminars of the International Society for Rehabilitation (Stockholm 1964);
- in the European Colloquium on Rehabilitation in Belgium (1965);
- in the X World Congress of the International Society for the Rehabilitation of the Disabled in Britain (1968) [8].

So, in those cases, when servicemen are seriously injured, medical rehabilitation measures are applied to them. The provision of first aid in a combat situation is nothing more than the beginning of medical rehabilitation. Even a short-term improvement in the condition of servicemen facilitates contact with them, increases their belief in improvement and recovery.

The importance of medical measures in restoring mental equilibrium is not only in the use of psychotropic drugs that

have a normalizing effect on the emotional sphere of a person, creating conditions for a rapid and constructive impact on psychological conditions [9].

Psychological rehabilitation is a system of medical-psychological, pedagogical, social activities aimed at restoring, correcting or compensating for impaired mental functions, states, personal and social status of people who have received a trauma. It is also an integral part of the overall rehabilitation [9].

Psychological rehabilitation is the most important element in restoring mental balance. Its essence lies in the implementation of various effects through the psyche on the soldier taking into account therapy, prevention, hygiene and pedagogy [9].

So, in general, rehabilitation of servicemen - a system of medical, psychological and professional measures aimed at preventing the development of pathological processes that lead to disability; effective and early return of servicemen to professional activity. We distinguish the following types of rehabilitation of military personnel: medical, psychological, professional and emergency [10].

The analysis of foreign experience (Israel, Latvia, Czech Republic, Great Britain, Holland, Belgium, Ireland, Germany and other country) proves that the rehabilitation of servicemen taking part in the hostilities consists of two main stages: 1) medical rehabilitation (restorative); psychological (professional).

A national's programs of the rehabilitation of servicemen taking part in the hostilities were adopted in Israel, Latvia, Czech Republic, Great Britain, Holland, Belgium, Ireland, Germany. Such programs contain the main principles, sources of financing, state-recognized methods and methods of rehabilitation, the system of health care institutions that carry out such activities.

For example, the medical rehabilitation of servicemen taking part in the hostilities is carried out at: 1) Primary Casualty Receiving Facilities; 2) Regional Rehabilitation Units; 3) The Defense Medical Rehabilitation Centre in Great Britain and Germany [11].

The specialized «Tripler» rehabilitation center of servicemen taking part in the hostilities operates in the United States. In Latvia there is such a center – National Rehabilitation Center «Vairavi».

In Czech Republic and Ireland rehabilitation of servicemen taking part in the hostilities is done in the ordinary hospitals.

Separate psychophysiological services are responsible for mental rehabilitation of servicemen taking part in the hostilities in England, Germany, France, Japan, Belgium, the United States. For example, in the US it is Center for Military Stress.

In Belarus, as in the EU countries, the rehabilitation of servicemen taking part in the hostilities has become one of the priorities in the health care system. For the development of the rehabilitation service in the nomenclature of medical specialties a new “rehabilitologist” was introduced and qualification requirements for doctors of this specialty were developed. The system of rehabilitation received state support in Belarus

and solved a number of social problems (employment of the population reducing the number of people in need of social assistance).

Our foreign experience analyzed is useful for Ukraine and other countries. As such experience helps to develop the organizational and structural model of a complex system of rehabilitation of servicemen taking part in the hostilities in the form of a multilevel system. Such a system is very necessary in the context of a military conflict

The foundations of the system of the rehabilitation of servicemen began to start in Ukraine. The World Health Organization and the International Society for Physical and Rehabilitation Medicine have estimated the level of rehabilitation assistance in Ukraine (namely, the legislation of Ukraine and the level of implementation of international standards) in December 2015 [12]. The results were unsatisfactory. The organizations concluded that Ukrainian legislation is “partial” and “does not meet international standards”, “outdated” [12].

The law of Ukraine «On the social and legal protection of servicemen and members of their families» establishes the duty to make free psychological, medical and psychological rehabilitation in special centers [13]. But such centers are absent (instead of them there are hospitals).

The Order of the Cabinet of Ministers of Ukraine «On approval of the plan of measures for to medical, psychological, vocational rehab and social adaptation of antiterrorist operation participants» is specifies a series of to create a holistic system of psychological rehabilitation and providing social support to the participants of the antiterrorist operation and their relatives with taking into account the foreign experience of functioning such systems in post-conflict situations [14].

Also, The Cabinet of Ministers of Ukraine established a State Service Ukraine in the affairs of veterans of war and participants in the antiterrorist operation. The main purpose of this body is to implement the state policy in the field of social protection of veterans of war and participants in the antiterrorist operation, in particular, to ensure their psychological rehabilitation, provision sanatorium treatment, technical and others means of rehabilitation. Ministry of Health of Ukraine approved protocols for the standardization of medical care in post-traumatic stress disorder. The Cabinet of Ministers issued an Order “On Approval of the Plan of Measures for Medical, Psychological, Professional Rehabilitation and Social Adaptation of antiterrorist operation Participants” Adopted the Instruction on the organization of sanatorium and spa treatment, medical and medical-psychological rehabilitation and many other [14].

Since the beginning of 2015, a large number of laws have been adopted on the rehabilitation of antiterrorist operation participants - each of them declared that it should be done, but no one determined how.

In view of this there is no organizational and structural model of a complex system of rehabilitation of the military who takes part in hostilities in Ukraine.

CONCLUSIONS

The military conflict in Ukraine caused the need to develop and create an effective system of the rehabilitation

of servicemen taking part in hostilities. Thus, the practice of developed countries has developed numerous methods for the rehabilitation of servicemen taking part in hostilities, but the main precondition for their existence is a system of the legal norms (the legal certainty).

The most advanced systems of rehabilitation of servicemen taking part in hostilities is the US, UK, and Israel systems. They are characterized by the existence of specialized centers of rehabilitation, rehabilitation departments at hospitals, separate state service psychophysiological rehabilitation, state programs rehabilitation of servicemen participating in the hostilities, system of qualification requirements for rehabilitants, etc.

The foreign experience is useful for Ukraine because helps to develop the organizational and structural model of a complex system of rehabilitation of servicemen taking part in the hostilities in the form of a multilevel system. Such a system is very necessary in the context of a military conflict.

The Ukrainian legislation is fragmented on the issue of rehabilitation of servicemen participating in the hostilities and does not meet the international standards contained in the international documents.

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