



Direito à Saúde (Portuguese Edition)

Cândice Lisbôa Alves

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O direito à saúde decorre do direito à vida. Assim, em princípio, o conceito de saúde não comporta restrições ou delimitações de signi cado, exceto nos casos em que elas sejam plenamente justi cadas diante de um caso concreto, de forma racional e argumentativamente.

A concretização da ideia de saúde exige atitudes. Ela não é um direito que se realiza por si só, pois demanda verbas e ações positivas. Todavia, a realidade nacional demonstra insatisfação da população com a forma pela qual a saúde vem sendo prestada pelo Estado, o que pode ser percebido pelo crescente número de demandas que desaguam no Judiciário ? situação cunhada por judicialização da saúde. Correlatas a essa realidade são as re exões atinentes aos desdobramentos que as demandas de saúde provocam no Sistema Jurídico e financeiro do Estado. Diante da inquietação apresentada surgiu a presente pesquisa que objetivou a análise da efetividade do direito à saúde a partir da premissa da participação e da proibição do retrocesso social.

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