

PRACA POGLĄDOWA
REVIEW ARTICLE

NATURAL ENVIRONMENT AS COMPONENT OF PUBLIC HEALTH: SOME ASPECTS OF ITS LEGAL REGULATION

ŚRODOWISKO NATURALNE JAKO ELEMENT ZDROWIA PUBLICZNEGO: WYBRANE ASPEKTY REGULACJI PRAWNYCH

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ABSTRACT

Introduction: Human health depends on various factors that have a different physical origin, degree of influence on the human body, methods of manifestation and other characteristics. Within public health, their research is carried out implementing an integrated approach and understanding the causation of the factors that influence each other as well as their effects on the human body. The natural environment, namely its state in general and individual natural objects, in particular, is one of the elements having both direct and indirect effects on human health.

The aim: To analyze the legal basis for the regulation of the impact of the natural environment as a component of public health.

Materials and methods: The study examines provisions of international documents and scientists' attitudes. The article analyzes generalized information from scientific journals by means of scientific methods from a medical and legal point of view. This article is based on dialectical, comparative, analytic, synthetic and comprehensive research methods. Within the framework of the system approach, as well as analysis and synthesis, the concepts of public health, health and influence of the natural environment on them are researched.

Review: As a result of the study of a particular range of problems, it may be noted that human health depends on a number of factors that allow it to be adequately addressed. The environmental component, namely, the state of the natural environment affecting the human body both directly and indirectly, is not the least of them. Proper legal settlement of the above-mentioned range of problems will allow a comprehensive approach to understanding the causation of human health and the natural environment.

Conclusions: when researching the impact of the natural environment within public health, it can be noted that the legal basis for the multidimensional regulation of the notion of health in general, as well as its individual components, in particular, has been formed and reflected in a number of regulatory legal acts. In turn, inadequate implementation of the systematic approach with an in-depth understanding of the real and potential factors that affect human condition in one way or another does not allow the fullest possible determination of their causation both on the positive and negative sides.

KEY WORDS: public health, health, physical health, mental health, social well-being, diseases, physical defects, natural environment

Wiad Lek 2019, 72, 2, 261-266

INTRODUCTION

Human health is the value that, on the one hand, is laid out by nature due to parents' genetic and physiological characteristics, their social and economic conditions and, on the other hand, is determined by the degree of awareness of the meaning of this category for a person, which manifests itself in their thoughts, actions that are directly or indirectly reflected in their condition.

Communication from the Commission to the Council, the European Parliament, the Economic and Social Committee and the Committee of the Regions On the sixth environment action programme of the European Community 'Environment 2010: Our future, Our choice' – The Sixth Environment Action Programme [1] provides that in recent decades, there has been a growing realisation that the quality of our air, water, soil and food affect the quality of our health and of our lives. This ranges

from increased allergies, respiratory disease, and cancers to the disruption of the body's hormone and fertility systems and premature death. The causes of our various environment-health problems are numerous and include pollution from transport, agricultural activities, industrial processes, domestic effluent and waste management. Thus tackling environment-health issues requires actions and initiatives on many different fronts (para. 5.1). In other words, the proper environment in general and its natural component, in particular, are closely related to and directly effect human health.

Determinants of health are those factors that can enhance or threaten an individual's or a community's health status. These can be matters of individual choice, such as whether to smoke tobacco or not, or can relate to social, economic, and environmental characteristics beyond the control of individuals [2, p. 16]. WHO Public Health & Environment

Global Strategy [3] makes provisions that human health should be seen in a physical, social behavioural and ecological context. Moreover, for instance, according to Art. 29 Law of Health Act Bulgaria passed Prom. SG. 70/10 Aug 2004 [4], the state bodies and institutions shall plan, develop and conduct policy, directed to preservation of the health of citizens by ensuring healthy living environment, education in healthy way of life and health prophylactics.

According to the Preamble of the International Charter of Physical Education and Sport [5], one of the essential conditions for the effective exercise of human rights is that everyone should be free to develop and preserve his or her physical, intellectual and moral powers. According to Art. 25 of the Universal Declaration of Human Rights [6], everyone has the right to a standard of living adequate for the health and well-being of himself and of his family, including food, clothing, housing and medical care and necessary social services, and the right to security in the event of unemployment, sickness, disability, widowhood, old age or other lack of livelihood in circumstances beyond his control.

In other words, human health depends on a number of factors that help to ensure its proper level. In particular, According to the Preamble of Decision № 1600/2002/EC of the European Parliament and of the Council of 22 July 2002 laying down the Sixth Community Environment Action Programme (hereinafter – Decision № 1600/2002/EC) [7], a clean and healthy environment is essential for the well-being and prosperity of society, yet continued growth at a global level will lead to continuing pressures on the environment (part 1). Despite improvements in environmental standards, there is increased likelihood of a link between environmental degradation and certain human illnesses. Therefore the potential risks arising, for example, from emissions and hazardous chemicals, pesticides, and from noise should be addressed (part 23). Accordingly, in the context of the specific article, it should be noted that the safe natural environment is also a prerequisite for the proper ensuring of human health. According to part 4 of Art. 1 of Decision № 1600/2002/EC, environment and health and quality of life are among the areas at which the Community should pay attention first of all.

In turn, health, in humans, is defined as the extent of an individual's continuing physical, emotional, mental, and social ability to cope with his or her environment [8]. Furthermore, health is understood as a state of dynamic equilibrium between an organism and its environment in which all functions of mind and body are normal [9]. According to provisions of the Constitution of the World Health Organization, health is understood as “a state of complete physical, mental and social well-being and not merely the absence of disease or infirmity”. Nearly the same wording of health is fixed at the level of statutory regulation, in particular, in section 2 of para. 2. of Chapter 1 of the General Provisions Public Health Act Estonia passed 14 June 1995 [10]. This definition includes mental and social dimensions and moves the focus beyond individual physical abilities or dysfunction [11, p. 1].

Moreover, public health is defined as the discipline in

health science that, at the level of the community or the public, aims at promoting prevention of disease, sanitary living, laws, practices and a healthier environment [12]. According to section 1 of para. 2 of Chapter 1 of the General Provisions Public Health Act Estonia passed 14 June 1995, “public health” means the science and art of disease prevention, extending life expectancy, promoting and improving mental and physical health through the organized efforts of society.

So, health is connected with the corresponding human condition characterized by a set of such components as 1) physical condition; 2) state of mind; 3) social well-being; 4) absence of diseases and physical defects. Each of these elements of the concept in question is of importance in shaping a person's general sense and their attitude to their health. A person is healthy when the specified elements interact with each other at a certain equilibrium complementing each other. Accordingly, public health focuses on the study of the concept of health from various aspects, among which the state of the environment is not the least significant. Various authors have studied certain factors influencing human health from different positions [13-16]. Let us pay attention to the ecological component, namely, the state of the natural environment and its impact on other elements through which the concept of health, as well as its significance within the particular discipline, is defined.

THE AIM

To analyze the legal basis for the regulation of the impact of the natural environment as a component of public health.

MATERIALS AND METHODS

The study examines provisions of international documents and scientists' attitudes. The article analyzes generalized information from scientific journals by means of scientific methods from a medical and legal point of view. This article is based on dialectical, comparative, analytic, synthetic and comprehensive research methods. Within the framework of the system approach, as well as analysis and synthesis, the concepts of public health, health and influence of the natural environment on them are researched.

REVIEW AND DISCUSSION

Before proceeding to the above-mentioned study, let us note that the natural environment is a complex of atmospheric, geological and biological characteristics found in an area in the absence of artifacts or influences of a well developed technological, human culture [17]. That is, in this notion, special attention is paid to the state of the natural environment without any human influence and activity. In accordance, the environment is defined as a combination of elements whose complex interrelationships make up the settings, the surroundings and the conditions of life of the individual and of society, as they are or as they are felt. The environment thus includes the built environ-

ment, the natural environment and all natural resources, including air, land and water. It also includes the surroundings of the workplace [18]. Hence, in the spectrum of the above-mentioned range of problems, it is a natural aspect of the environment directly or indirectly affecting human health which will be examined. Specifically, the natural environment can be positively and negatively affected by human intervention and impact. It, in turn, can positively and negatively affect people and their physical and mental health [19, p. 1]. It is clear that the well being and integrity of natural ecosystems and the biophysical environment are integral to human health and well being [20, p. 5].

In particular, one of the components of the category of health, which is taken into account when describing it, is a physical one. Moreover, physical condition and health are not synonymous terms. A person may have good physical characteristics but poor health [8]. Regular physical activity is a well-established protective factor for the prevention and treatment of the leading noncommunicable diseases (NCD), namely heart disease, stroke, diabetes and breast and colon cancer [21]. It also contributes to the prevention of other important NCD risk factors such as hypertension, overweight and obesity, and is associated with improved mental health [22-23], delay in the onset of dementia [24] and improved quality of life and well-being [25]. Physical health relates to the functioning of the physical body [26, p. 8]. We can particularly talk about its static and dynamic components.

The static one is expressed in the physical characteristics of the human body, which are defined as traits or features of the body [27]. They include weight, height, and size, including skinfold thicknesses, circumferences, lengths, and breadths. Each of the specified elements plays an important role in the human body functioning as a coherent mechanism and can undergo changes in the process of its life. They occur precisely due to the dynamic side, namely, the ability of the body to physical activity in the process of life. The WHO defines physical activity as any bodily movement produced by skeletal muscles that requires energy expenditure – including activities undertaken while working, playing, carrying out household chores, travelling, and engaging in recreational pursuits [28]. Accordingly, such activity is associated with actions resulting in the release of energy, which, in turn, positively affects the state of the body as a whole.

It must be of a constructive nature, that is, in the first place, the human body must receive a positive effect from it, which is achieved when various factors that determine it, namely, intensity level, degree of loading, physical characteristics, age, gender, etc., are considered. Differences in levels of physical activity are also explained by significant inequities in the opportunities for physical activity by gender and social position, as well as between countries [29]. Taking into account each of these components will allow achieving the most positive result in ensuring the proper level of both physical health and health in general. All forms of physical activity can provide health benefits if undertaken regularly and of sufficient duration and

intensity [30]. Accordingly, such a body condition is one of the elements of a complex concept determining its level only in combination with other components.

Furthermore, Global Action Plan on Physical Activity 2018-2030 [30] defines the following principles which should underpin implementation of actions at every level as Member States, partners and WHO work towards achieving the shared vision of a more active world. In particular, they include human rights approach; equity across the life course; evidence-based practice; proportional universality; policy coherence and health in all policies; engagement and empowerment of policymakers, peoples, families and communities; multisectoral partnerships. Each of them is defined through the essential components of ensuring physical activity in its maximum manifestation according to various indicators.

In turn, the natural environment influences the physical component in its static and dynamic manifestations both directly and indirectly. Specifically, the degree of its safety in general and its individual natural objects, in particular, are of importance. For example, as noted at the scientific level, the natural environments affect human health and well-being both directly and indirectly. Urban green and blue areas provide opportunities for stress recovery and physical activity. Chronic stress, physical inactivity, and lack of social cohesion are three major risk factors for noncommunicable diseases, and therefore abundant urban greenery is an important asset for health promotion [31].

Neither physical nor mental health can exist alone. Mental, physical, and social functioning are interdependent [2, p. 12]. Physical health and mental health are closely associated through various mechanisms, as studies of links between depression and heart and vascular disease are demonstrating. The importance of mental health in the maintenance of good physical health and in recovery from physical illness is now well substantiated, as is the converse. Mental health status is a key consideration in changing the health status of a community [2, p. 15]. According to para. 42 of the European Parliament resolution on improving the mental health of the population. Towards a strategy on mental health for the European Union [32], mental and physical aspects of health are interlinked, mental disorders can have a biological, social, emotional or historical basis. There is no doubt that all the studied components of the concept of health are interconnected and, first of all, it manifests itself in the harmonious interdependence of the physical and mental components along with others properly influenced by the natural environment.

Accordingly, a person's state of mind is the following component of the concept of health which is determined by their mental health. According to para. 9 of the Council conclusions on the European Pact for Mental Health and Well-being results and future action [33], it recognizes that mental well-being is an essential constituent of health and quality of life, and a prerequisite for the ability to learn, work and contribute to social life. In positive sense, mental health is the foundation for well-being and effective functioning for an individual and for a community. It is more than the

absence of mental illness, for the states and capacities noted in the definition have value in themselves. Neither mental nor physical health can exist alone. Mental, physical, and social functioning are interdependent. Furthermore, health and illness may co-exist. They are mutually exclusive only if health is defined in a restrictive way as the absence of disease [34]. Recognizing health as a state of balance including the self, others, and the environment helps communities and individuals understand how to seek its improvement [2, p. 12].

According to informed estimates, 27 % of adult Europeans are estimated to experience at least one form of mental ill health during any one year, of which 6.3 % are somatoform disorders, 6.1 % major depressions and 6.1 % phobias (para. 3.1.1 of Opinion of the European Economic and Social Committee on the Green Paper Improving the mental health of the population – Towards a strategy on mental health for the European Union [35]). According to para. 4 of the European Parliament resolution on improving the mental health of the population. Towards a strategy on mental health for the European Union, it believes that good mental health is a prerequisite for the overall health and well-being of European citizens and for a healthy economic performance in the EU.

The WHO declaration about mental health is also clear: it is “a state of well-being in which the individual realizes his or her own abilities, can cope with the normal stresses of life, can work productively and fruitfully, and is able to make a contribution to his or her community” [2, p. 12]. Mental health has been defined as social and emotional wellbeing, and spiritual, environmental (such as land and place), physical, social (including community and culture), and emotional factors [2, p. 31]. Mental health can itself be defined variously. Some say that a person is mentally healthy if he or she is able to function reasonably well and is emotionally and behaviorally stable. Others define it as the absence of mental disorder [8]. Mental health is a positive concept related to the social and emotional wellbeing of individuals and communities [26, p. 8].

In other words, its mental component is determined by certain characteristics whose essence is manifested through a person's ability to respond adequately under certain circumstances, to analyze the results of their behaviour, to be stable in stressful situations, to achieve their capacity in the absence of mental disorders. Mental health is the foundation for well-being and effective functioning for an individual and for a community [2, p. 12]. Its state is associated with behaviour at all stages of life [2, p. 14]; any factors affecting a person, regardless of their origin, affect it either directly or indirectly.

The degree of such impact will depend both on its internal state and on the external environment, and the natural environment exists along with other environments. For example, as a result of relevant studies, it has been noted that nature improves emotional well-being by increasing positive affect and, to a lesser extent, decreasing negative affect [36, p. 24]. A person's emotional state definitely affects their mental state, and, accordingly, taking into account a positive or negative impact of the natural environment, it is a direct factor of influence. It is clear that the well being and integrity of natural ecosystems and the biophysical environment are integral to human health and well being. The implications

for humans are not limited to physical health and well being, and available and uncontaminated air, water, food, but include psychological need and benefit considerations relating to a spectrum of developmental, competence fostering and care-eliciting experiences in natural environments, such as identity formation, restoration, recreation, connection, and inspiration. Equally, the perception and/or direct experience of environmental degradation and loss can lead to concern, anxiety, guilt, anger, helplessness, dread, and pessimism [37-38]. One of the most researched yet often overlooked benefits of the availability of natural environments for humans is stress reduction, restoration, and experienced personal connection with a coherent and meaningful world [39-40].

Along with the highlighted components of the concept of health, formulation of social well-being requires special attention. Several dimensions of health can be identified in the social domain, including people's capacity to fulfill their potential and obligations, the ability to manage their life with some degree of independence despite a medical condition, and the ability to participate in social activities including work. Health in this domain can be regarded as a dynamic balance between opportunities and limitations, shifting through life and affected by external conditions such as social and environmental challenges [41]. In recent years there has been an increased understanding of the importance of the social determinants of health: a term that encompasses not only social, but economic, political, cultural and environmental determinants. Essentially, these are the conditions into which people are born, grow, live, work and age [42]. According to this view, a person's occupation, education, material resources, social support networks and social status can affect their health and contribute to broader health inequalities within the population [11, p. 4]. Social well-being is an end state in which basic human needs are met and people are able to coexist peacefully in communities with opportunities for advancement. This end state is characterized by equal access to and delivery of basic needs services (water, food, shelter, and health services), the provision of primary and secondary education, the return or resettlement of those displaced by violent conflict, and the restoration of social fabric and community life [43].

There are many influencing factors that will determine a person's quality of life and health outcomes which have been categorised as the “social determinants of health”. For example, the kind of housing and environments they live in, the health or education services which they have access to, the incomes generated and the type of work they do, all influence the health and lifestyle decisions made [44]. The specified social determinants influence the formation of human health from birth to death. In other words, social well-being is characterized by the level of social development reflected in presence of appropriate opportunities and ability to implement them, which, in turn, can affect human health both positively and negatively.

In identifying the relationship between social well-being and the natural environment, it can be noted that it is not possible to achieve social well-being in the natural environment that does not meet the proper requirements for its safety. Implementation of opportunities through which social well-being is

manifested is carried out only in the environment which does not constitute a threat for personal physical well-being and mental condition. For example, section 6 of the Preamble of Directive 2003/35/EC of the European Parliament and of the Council of 26 May 2003 providing for public participation in respect of the drawing up of certain plans and programmes relating to the environment and amending with regard to public participation and access to justice [45] stipulates that among the objectives of the Århus Convention is the desire to guarantee rights of public participation in decision-making in environmental matters in order to contribute to the protection of the right to live in an environment which is adequate for personal health and well-being.

Absence of diseases and physical defects is the last component emphasized while formulating the concept of health. A disease is a physical or mental disturbance involving symptoms, dysfunction or tissue damage, while illness (or sickness) is a more subjective concept related to personal experience of a disease [46]. The 2 main categories of disease that may lead to ill health are infectious and chronic diseases: - infectious diseases are caused by pathogens and can be spread from person to person by air, food, water, inanimate objects, insects or by direct or indirect contact with an infected person. Examples of infectious diseases include influenza, malaria и т.д.; - chronic diseases are caused by multiple factors, including a person's genetic make-up lifestyle and environment. They are long-term conditions and cannot be directly spread from one person to another. Examples of chronic diseases include diabetes, asthma and heart disease [11, p. 4].

Accordingly, a disease is determined as a person's condition reflected on their physical or psychological component which are directly or indirectly influenced by their social well-being, which in some sources is revealed not only through social, but economic, political, cultural and environmental determinants. Essentially, these are the conditions into which people are born, grow, live, work and age [42]. In addition, diseases may have different nature of occurrence and, respectively, different classification criteria that reflect their specificity and peculiarities in relation to others. As for infirmity, for example, in vocabularies, it is assumed that infirmity is physical or mental weakness [47], a physical, mental, or moral weakness or flaw [48]. Accordingly, there are certain defects related to both physical and mental condition in the presence of which it can be argued that there are certain limitations of the functioning of a human body at one level or another compared to a person who does not have them.

When analyzing the definition of health, along with others, absence of a disease or physical defects is one of the indicators of a healthy person, and vice versa, when they are present, one cannot say that a person is healthy. Their presence is reflected on a person's condition in one way or another.

CONCLUSIONS

In other words, when researching the impact of the natural environment within public health, it can be noted that the legal basis for the multidimensional regulation of the notion of health in general, as well as its individual components, in

particular, has been formed and reflected in a number of regulatory legal acts. In turn, inadequate implementation of the systematic approach with an in-depth understanding of the real and potential factors that affect human condition in one way or another does not allow the fullest possible determination of their causation both on the positive and negative sides.

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Authors' contributions:

According to the order of the Authorship.

Conflict of interest:

The Authors declare no conflict of interest.

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Received: 01.12.2018

Accepted: 29.01.2019