

REVIEW ARTICLE
PRACA POGLĄDOWA**ENSURING THE ENVIRONMENTAL RIGHTS AS A PREREQUISITE FOR THE RIGHTS TO HEALTH IN UKRAINE AND THE EUROPEAN UNION**

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Introduction: The present threats to public health and lives depend directly on environmental conditions of natural sites, their pollution and exhaustion degree. Accordingly, there is a need for proper legal enforcement of citizens' rights. Based on this, the relationship between citizens' environmental rights and the right to health is analyzed.

The aim: is to carry out a comparative analysis of legal support and correlation in the regulation of the right of citizens to a safe environment in Ukraine and the European Union, as well as to justify and formulate proposals for improving legislation on natural healing resources.

Materials and methods: The national and international legal instruments regulating the rights to health and a safe environment as well as their interrelations were examined by means of analytical expertise and analysis of the jurisprudence, in particular, the comparative legal, complex, formal and logical, structural and functional methods along with analytical and empirical research tools.

Conclusions: The environmental rights defined as the totality of the rights including the fundamental right to a safe environment and the right to natural resources (natural curative resources and natural resources for therapeutic and health-improving use) have to be proven a prerequisite for exercise of the human rights to health. The option proposed is for the adoption of a unified legal and regulatory instrument relating to the natural curative resources.

KEY WORDS: right to health, environmental rights, right to a safe environment, right to natural resources for therapeutic and health-improving use, natural therapeutic resources

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INTRODUCTION

The key provision of the Environment Law of Ukraine is that the government protects communities' health and safety from harmful environment impact (Article 1, Law of Ukraine "On Environment Protection").

In accordance with the Ukrainian legislative fundamentals on health protection the right to health provides, among other things, a safe to life and health environment. In this context, the state is obliged to provide the environment protection as an important prerequisite for human life and health. It is possible to accomplish the task by protecting the animate and inanimate nature, protecting people from harmful environment impact; achieving a harmonious interaction between a person, society and nature; rational use and reproduction of natural resources, etc. The environment protection relations are regulated by the special legislation of Ukraine and international treaties. The aforementioned is still relevant, since there is a direct interconnection between the human health status and the environmental conditions, the ecological safety of industrial and other objects, and real risks of technogenic incidents constituting potential threats to human life and health.

THE AIM

The aim of the research is to carry out a comparative analysis of the legal instruments in order to determine the legal

regulation of the right to a safe environment in Ukraine and the European Union countries, to provide proposals for improving the laws related to natural curative resources.

MATERIALS AND METHODS

The national and international legal instruments regulating the right to safe environment and health as well as their interrelations were examined by means of analytical expertise and analysis of the jurisprudence, in particular, the comparative legal, complex, formal and logical, structural and functional methods along with analytical and empirical research tools.

REVIEW AND DISCUSSION

One of the main problems of health-care in Ukraine is an inadequate legal framework that hampers the efforts to improve the public health and efficient use of human and financial resources in the health system under market economy framework. Adaptation of the Ukrainian legislation to the EU legislation is a priority prerequisite Ukraine's integrating into the European Union. One of the central components of this process is the legislation of Ukraine regulating human health and life protection, natural objects and the environment adaptation [1, p.12].

Most countries of the world, and Ukraine is not an exception, have entered into the 21st century with a set of global, regional and national challenges among which the most threatening to humanity are global environmental breaches, the depletion and degradation of natural resources [1, p.20].

The environmental legislation of Ukraine has a key provision in this regard: public health and human life are subject to public protection against the negative impact of adverse environmental conditions (Article 1 of the Law on Environmental Protection) [2]. Scientists are right to point out that these provisions are quite motivated, since there is a direct link between the state of human health and the state of the environment, the state of ecological safety, industrial and other economic objects and the level of real threat of man-made incidents dangerous for life and health of people [3, p. 45].

By the provisions of the Constitution of Ukraine the state assumes to protect the right to an environment that is safe for life and health, and to compensation for damages inflicted by the violation of this right. In fact, the present environmental situation is hardly contributing to the realization of the proclaimed rights [1, p. 17].

Meanwhile, it should be noted that at the international level the UN documents, in particular, "Environment and development. United Nations Terminology bulletin" contains the following terms relating to the right under research: an environment adequate for the health and well-being of individuals; healthy environment; enabling environment; sound, satisfactory and healthy environment [4]. However, the international legal instruments lack a single term or wording of the mentioned above.

Tretyakova G.A. rightly observes that "a number of universal and inter-regional international documents recognize the necessity for the environmental rights of citizens and the guarantees of their observance and protection to be consolidated on the legislative level. At the pan-European level, the directives have been adopted that enshrine the environmental rights of citizens and guarantees for their observance and protection. In the EU Member States, a process is underway to bring national legislation in line with the pan-European legal framework, including the legislation on environmental protection" [5].

The European Convention on Human Rights (ECHR) (formally – the Convention for the Protection of Human Rights and Fundamental Freedoms, 1950) [6] which established the European Court of Human Rights and the Law of Ukraine "On the implementation of decisions and application of the practice of the European Court of Human Rights" [7] play an important role in addressing the above-mentioned problems of the environmental rights' observance. The court decisions are binding to Ukraine.

After all effective domestic remedies have been exhausted everyone shall have the right to appeal for the protection of his rights and freedoms to the relevant international judicial institutions or to the relevant bodies of international organizations of which Ukraine is a member or participant (Article 55) [8]. This requirement is directly related to

the possibility of recourse to protect the environmental rights. Therefore, it is necessary to study law enforcement practice relating to the issues which are in jurisdiction of the European Court of Human Rights.

At the international level a judicial precedent that occurs within the existing regime of the human rights protection is of increasing importance as it provides the mechanism for protecting and developing the institution of environmental human rights at the present stage [9]. Moreover, the Convention for the Protection of Human Rights and Fundamental Freedoms (Article 8) [6] does not contain an express provision for the right to a safe environment for human life and health and its protection.

The rights to life, health, an adequate standard of living and privacy are used to protect the environment. For example, in the case of *Leon and Agnizhak Kania v. Poland* [10], "the applicants complained that due to the cooperative's continuous activities they were subjected to serious noise and pollution for a number of years, which resulted in their sustaining very serious and long-term health problems" (Paragraph 93). The Court argues that there is no explicit right to a clean and quiet environment in the EU law, however, in cases where a person is directly seriously affected by noise or other pollution, an issue may arise under Article 8 of the European Convention on Human Rights. To raise an issue under of Article 8 of the Convention the interference must directly affect the applicant's home, family or private life, and the negative effects of environmental hazards must attain a certain minimum level of severity. The assessment of that minimum level is relative and depends on all the circumstances of the case, such as the intensity and duration of the nuisance, and its physical or mental effects (Paragraph 98, Paragraph 100).

In the case of *Dzemiuk v. Ukraine* (Application no. 42488/02) [11], the court found that Article 8 of the Convention had been violated and made the decision that the construction and use of the cemetery so close to the applicant's house with the consequent impact on the environment and the applicant's "quality of life" constituted an interference with the applicant's right to respect for his home, his private and family life and reached the minimum level of severity to trigger the application of Article 8 of the Convention.

The applications lodged with the European Court of Human Rights under the Articles for the protection of the environmental rights of citizens and the above-mentioned cases outcomes prove a close connection between the right to a safe and healthy environment guaranteed by the national environmental legislation of Ukraine and the right to respect for private and family life officially recognized in Article 8 of the Convention for the Protection of Human Rights and Fundamental Freedoms [6]. It means that environmental pollution can impact the well-being of individuals and prevent them from using their homes with consequent adverse effects on their private and family life without serious danger to their health. This also establishes the recognition by the European Court of Human Rights of the right to safe environment for life and health as a

derivative right that is mainly inferred from the provisions of Article 8 of the aforementioned Convention [12].

There are very few court decisions on the environmental issues in the general array of documents generated by the judicial system of Ukraine. Among them are the cases which, in particular, deal with the protection of the right to a safe to life and health environment [13]. Another example is the court decision which became a landmark one as it was the first time in the history of Ukraine when the court ruled in favor of the victims of the environmental disaster [14]. The authors of this research fully support a practical initiative aimed at facilitating work and accelerating search for relevant judicial decisions of the Supreme Court of Ukraine, higher specialized courts, appellate and local courts. It is proposed to list all the decisions, orders, rulings rendered by the courts in civil, commercial and administrative cases initiated by the institutions of civil society, individuals or groups of individuals for the benefit of the environment and society in the relevant Register of court decisions on issues relating to the environment [15].

In theory and law, the environmental rights include all the rights of citizens and other entities in the field of "society-nature" [16, p. 83]. According to the level of legal regulation, these rights are classified into fundamental and other rights relating to environment protection. So, the fundamental constitutional right to private ownership of land, the right to a favorable environment, the right to free access to information about the environmental situation and the right to compensation for harm to individual's health or property, caused by environmental offenses and the right to health and medical care [17, p. 131-132].

The Constitution of Ukraine (1996) [8] specifies that human rights and freedoms as inalienable and inviolable. Thus, the fundamental law guarantees that no citizen shall be deprived of the human rights. These rights are birth-rights. The consolidation in the Constitution of Ukraine of the right to a safe to life and health environment and to compensation for harm, caused by the violation of that right, is based on the provisions of the important international human rights instruments, namely the Universal Declaration of Human Rights (1948) [18], the Convention on Protection of Human Rights and Fundamental Freedoms (1950) [6], the European Social Charter (1961) [19].

Human rights and environmental rights are a key area of attention at the international level. This is evident from the researches on the history of environmental rights, the relevance of environmental rights standards and international human rights covenants by such scholars as Stephen J. Turner, Sumudu Atapattu and others [20, pp.1-16, pp.17-40]. Alan Boyle, Professor of Public International Law, particularly studies the problems of human rights and international environmental law [21, 22].

The environmental legislation of Ukraine, namely the Law of Ukraine "On Environmental Protection" [2] defines a system of basic environmental rights of citizens, including the right to a safe to life and health environment; the right to natural resources for general and special use; the right

to compensation for harm to health and property caused by the environment adversely impact etc.

There is no doubt that the right to a safe and healthy environment is an important fundamental environmental right. It is universally recognized that other environmental rights are derived from the aforementioned. For defining this important fundamental right, it is necessary to clarify the term "safety" in this context. The environmental legislation of Ukraine, in particular Article 50 of the Law of Ukraine "On Environmental Protection", provides for an appropriate wording of the concept of "environment safety" [2]. Thus, the environment safety is such a state of environment, in which the prevention of environment degradation and human health risks is enforced. The environment safety is guaranteed to citizens of Ukraine through implementing a wide range of interrelated political, economic, technical, public and legal, organizational, and other measures. The court is authorized to ban the activities of individuals and legal entities that harm the environment.

The experts define an important legal criterion of "favorable environment". First of all, these criteria are the system of environment protection standards and natural resource management limits, namely regulating maximum permissible concentrations of harmful substances; standards of sanitary and protective zones, etc. These standards reflect the qualitative characteristics of the environment state and are aimed primarily at improving and maintaining its cleanliness, which stands out as the only important characteristic of a favorable environment status though. The second important criterion concerns the intensity (inexhaustibility) of natural resources. The latter is ensured by limiting natural resources use (by establishment of the volume of natural resources use (utilization)). The third criterion is the ability to satisfy aesthetic and other human needs and to maintain species diversity [17, p. 142-143].

Based on the safe environment criteria described above, namely non-pollution clearness, inexhaustibility (intensity), etc., it is appropriate to analyze the current environment state in Ukraine. According to the environment experts, the amount of pollutants, especially in megalopolises, significantly exceeds permissible concentrations, and ultimately adversely affects public health. For example, water contamination by nitrates leads to various diseases and consequently to decreased body resistance and to increased morbidity, in particular, infectious and oncological diseases. Non-compliance of drinking water quality with the regulatory standards is one of the reasons for the spread of many infectious and non-communicable diseases. So, water is mainly misused in Ukraine. Unproductive water consumption is increasing while the volume of qualitative "usable" water resources is decreasing due to pollution and depletion [23].

The degree of danger to humans of air pollution remains a leading risk factor and the number of victims exceeds the value of water or soil pollution. This is due to the fact that a person consumes a lot more air than water and food. In addition, if the consumer can to some extent regulate the quality of food and drinking water, then the purity of

the air, the more atmospheric, at the individual level is almost impossible to control. In the issue of environmental hygiene, particular attention is paid to such dangerous chemical compounds as carcinogens. Thus, in general, the total carcinogenic risk to the health of the population of settlements created by the identified compounds in 2014 reached 1.8-7.3 cancer cases per 1 thousand people, which accounts for the annual increase of ecologically related oncological diseases to 10.4 cases per 100 thousand population. This level of risk significantly exceeds internationally acceptable risk indicators and requires measures to reduce it. The highest level of population carcinogenic risk falls on the residents of Kyiv, and the lowest - on the residents of Cherkasy [24, p. 30-31].

The interconnection between human rights and environmental protection was emphasized in the 1972 Stockholm Declaration on Environmental Issues [25], where human rights to a healthy environment were first mentioned. The absence in the international law of a strict definition (that is, the meaning of which is defined in accordance with the principles of general international law) the concept of "human right to a favorable environment" and also that the right to a favorable environment, although related to the rights of the new generation, by its structure is closely intertwined with the human rights system as a whole, leading to a different attitude to the right to a favorable environment at the level of national legislation, and as a consequence to the ambiguous assessment of its rights of this nature [26, p. 198-199].

It should be noted that the constitution guarantees this right in most countries. For example, at the national level Spain was the first country which constitutionalized the right to a favorable environment, and subsequently, Azerbaijan, Belarus, Belgium, Georgia, India, Spain, Mozambique, Moldova, Peru, Portugal, Finland, Ethiopia, South Africa, South Korea, to name a few, followed [26, p. 199], which should be recognized as positive, but the content of this right is defined differently.

In the context of the discussion of the human right to a healthy and favorable environment, which has been ongoing in Western Europe for 25 years, it is concluded that the wording of the basic right, which would give an individual citizen the opportunity to claim a clean and healthy environment in court, is impossible. Even those countries which provide for that wording by their Constitutions, experience difficulties in forming that right and putting it into effect [27, p. 126].

It should be emphasized that defining the right to a safe environment of Ukraine as a fundamental right, it is necessary to point out its relation to other environmental rights. Yes, Art. 3 of the Law of Ukraine "On Protection of Human Being from the Impact of Ionizing Radiation" [28] states that every person who resides or temporarily resides in the territory of Ukraine has the right to be protected from the influence of ionizing radiation. These are also the provisions of the Law of Ukraine "On ensuring the sanitary and epidemiological well-being of the population", in particular Art. 4, which defines the right of citizens to

safe and healthy food, drinking water, working conditions, education, education, life, recreation and the environment. The Law also contains the concepts of environmental factors such as any biological, chemical, physical, social and other factors that influence or may affect human health or the health of future generations. The concept of harmful impact on human health is defined as the influence of environmental factors that threaten the health, life or ability of the person or the health of future generations (Article 1 of the Law of Ukraine "On Ensuring Sanitary and Epidemic Well-Being of the Population" [29]). In this case, the above concepts and list are well-grounded and take into account the current developments of environmental specialists.

Under the Fundamentals of the Legislation of Ukraine on Health Protection (Article 6) [30] the right to health protection consolidates, among other things, a safe environment for life and health. The state ensures the protection of environment as an important prerequisite for human life and health by protecting animate and inanimate nature, protecting people from negative environmental impacts, by achieving harmonious interaction between individuals, society and nature, rational use and reproduction of natural resources (Article 26).

The international legal instruments also place great emphasis on the connection between the environment state and human health. The General Assembly resolution emphasizes that continued deterioration of environment could jeopardize the very foundations of life. At the same time, it is recognized that all people have the right to live in an environment that is favorable for their health and well-being [31].

Article 11 of the European Social Charter [19] establishes the necessary measures designed for health protection. In this regard, it is pointed out that it is appropriate to eliminate as much as possible the cause of poor health and prevent the epidemic, endemic and other diseases, as well as accidents.

The environmental rights intended to meet a variety of needs (economic, recreational, health, aesthetic, cultural, and others) are universally recognized to have a special status in the system of environmental rights of citizens. Natural resources have numerous functions, but one of the most important is the possibility of their use as a means of maintaining or restoring human health. In Ukraine the legal framework has been developed to exercise these rights: the Land Code [32], the Water Code [33], the Forest Code [34], the Subsoil Code [35] and the Law "On the Plant World" [36], the Law "On the Animal World" [37], the Law "On the Nature Preserve Fund" [38], etc.

Taking into consideration the subject of this research, it is appropriate to highlight two types of citizens' environmental rights: the right to natural resources for recreational use and the right to medicinal natural resources. So, the former right covers the total free use of objects of the animal world to satisfy recreational needs; the use of natural plant resources for recreational purposes; the use of forests benefits for cultural and recreational purposes, etc.; the water use for recreational purposes, etc.

With regard to the latter, the Water Code of Ukraine specifies that places of water use for treatment, recreation and sports purposes are established by the relevant councils as prescribed by law [33]. Moreover, under Article 45 of the Water Code of Ukraine, in case of low water, the risk of epidemics and epizootics, as well as in other cases provided for by law (in conditions that could cause or have caused water pollution, etc.), the rights of water users can be restricted or the water use conditions can be changed to ensure public health and other public interests. Thus, the law justifiably gives priority to the use of water for drinking and housekeeping needs of the population. At that, harmonization of the Ukrainian legislation with the European Union law (EU Water Framework Directive) [39], in particular, bringing the quality standards of drinking water for personal use into conformity with the EU standards, is certainly a priority. It is also worth pointing out the importance of the Management of Bathing Water Quality and Repealing Directive adopted in the EU [40]. This document provides for the wording of the concept of these kinds of water, the acceptable norms for contamination and other pollutants which may not be exceeded.

Under Article 2 of the Law of Ukraine "On the Resorts" the relations arising in the use and protection of natural curative resources are subject to legal regulation and are aimed at identifying and accounting of these resources, ensuring their rational extraction, use and protection in order to create favorable conditions for treatment and prevention of diseases and recreation of people [41]. Article 6 of the Law classifies natural curative resources into mineral and thermal waters, therapeutic mud and ozokerite, brine of estuaries and lakes, sea water, natural objects and complexes with favorable climatic conditions for treatment, suitable for use for treatment, medical rehabilitation and disease prevention.

Articles 62 and 63 of the Water Code of Ukraine categorize water bodies of natural curatives properties as therapeutic, if they are specifically listed, and are used exclusively for therapeutic and recreational purposes. The list of water bodies therapeutic indicating the water reserves and their curative properties, as well as other conditions favorable for treatment and prevention, is approved by the Cabinet of Ministers of Ukraine upon the request of the relevant public authorities as stipulated by the law.

To monitor the possibilities of using water from water bodies for the needs of the population and economy sectors the standards are established to ensure the safe conditions of water use. Under Article 36 of the Water Code of Ukraine stricter environmental safety standards can be implemented as to waters of the water bodies used for medical, spa, recreational, rehabilitation and other purposes, if necessary [33]. The above provision is fully justified by the peculiar natural properties of these waters. These rights are widely exercised by citizens and guaranteed by the state.

The information system on the quantity, quality and other characteristics of all natural curative resources that are important in terms of treatment and prevention of human

diseases are determined and calculated on the territory of Ukraine, as well as the possible volumes, methods and modes of their use totally comprises the State Cadaster of Natural Curative Resources of Ukraine, which is created and maintained in the accordance with procedure established by the central executive body tasked with public health policy [41]. The Cadaster data are also used to create favorable conditions for treatment, prevention of diseases and recreation of people [42].

So, in accordance with the legislation of Ukraine, citizens can use natural resources for health and medical purposes, in particular, natural curative resources, which, along with other natural resources, are one of the constituents of environment. Article 5 of the Law of Ukraine "On Environmental Protection" lists the latter [2]. Thus, the natural curative resources have a special legal status due to their natural properties, namely the ability to improve human health. Moreover, the above legal relations are aimed at maintaining a safe environment for human life and health.

In this regard, it is of great importance to determine the directions for improving the national environment legislative framework on ensuring the right to natural curative resources, as well as to reason and develop relevant proposals. It should be borne in mind that the current Subsoil [35], Water [33] and Forest [34] Codes of Ukraine, and the relevant laws of Ukraine contain separate provisions that can be applied to exercise this right if they will be improved and modified. It would be advisable to develop and adopt the Law of Ukraine "On Natural Curative Resources". This proposal should be considered quite appropriate as the legislative experience of EU member states proves the efforts of developing and adopting the relevant laws efficiency [43, 44].

The national program on the harmonization of Ukrainian legislation to European Union law establishes the mechanism for Ukraine to meet the third Copenhagen and Madrid criteria for the European Union membership. This mechanism includes the adaptation of legislation, the establishment of relevant institutions, and other additional measures necessary for effective lawmaking and law enforcement [1, p. 12].

CONCLUSIONS

The reform priority is the adaptation of the environmental legislation on environmental rights of Ukraine to the relevant European law. It is generally recognized that the goal is to bring the legal system of Ukraine in line with the basic European law, known as *acquis Communautaire*, taking into account the requirements established by the European Union to those states that want to join it. For this reason, the problems of legislative support of environmental rights should be solved based on the provisions of the relevant EU legislation.

Undoubtedly, the right to a safe environment is an important one in the system of environmental rights of our country, the implementation of which is crucial for

the health and life of citizens. Accordingly, being directly related to the right under discussion the derivative rights are of significance and include the right to natural resources (natural curative resources and natural resources for health and medical use). The latter should be recognized as a prerequisite for the realization of the right to health and life of a person.

The lack of proper legislative consolidation of the right to natural curative resources' main provisions necessitates the improvement of the legal framework to exercise this right be given utmost priority.

Proposals for improving the environmental legislation of Ukraine in the field of nature management by substantiating and adopting a new Law of Ukraine "On Natural Healing Resources", which would regulate relations in the field of use, protection and reproduction of natural healing resources and ensuring environmental safety, are substantiated and formulated. The drafting of this Law of Ukraine should take into account the existing positive experience of the Member States of the European Union.

REFERENCES

- Ghubyskiy S.M., Inshyn M.I., Mironenko T.Je. et al. Kompleksnyj porivnjajino-pravovyj analiz vidpovidnosti zakonodavstva Ukrainy zakonodavstvu JeS u sferi okhorony zdorov'ja ljudej, tvaryn, roslyn [Comprehensive Comparative Legal Analysis of Compliance of Ukrainian Legislation with EU Legislation in the Field of Human, Animal and Plant Health] Available from: <https://minjust.gov.ua/files/general/2012/05/16/201205160000006884.pdf> [reviewed 2019.09.10] (Ua)
- Pro okhoronu navkolyshnjogho pryrodnogho seredovyshha: Zakon Ukrainy vid 25 chervnja 1991 r. № 1264-XII [On Environmental Protection: Law of Ukraine of June 25, 1991 No. 1264-XII]. Bulletin of the Verkhovna Rada of Ukraine. 1991;41: art. 546. (Ua)
- Malysheva N.R., Jerofjejev M.I. Naukovo-praktychnyj komentar do Zakonu Ukrainy "Pro okhoronu navkolyshnjogho pryrodnogho seredovyshha" [Scientific and Practical Commentary to the Law of Ukraine "On Environmental Protection"]. Kharkiv: Pravo; 2017. (Ua)
- Environment and Development. United Nations Terminology bulletin. 1992;344(1).
- Tretyakova A.A. Ekologicheskie prava grazhdan v gosudarstvah-chlenah Evropejskogo Soyuza [Environmental Rights of Citizens in the Member States of the European Union] Dissertation for obtaining the Phd of Law. Moscow; 2001. (Ru)
- Konvencija pro zakhyst prav ljudyny i osnovopolozhnykh svobod: vid 4 lystopada 1950 r. [Convention for the Protection of Human Rights and Fundamental Freedoms: of November 4, 1950]. Official Gazette of Ukraine. 2006;32: art. 2371. (Ua)
- Pro vykonannya rishenj ta zastosuvannya praktyky Jevropejskogo sudu z prav ljudyny: Zakon Ukrainy vid 23 ljutogho 2006 r. № 3477-IV [On the Enforcement of Decisions and the Application of the Case Law of the European Court of Human Rights: Law of Ukraine of February 23, 2006 No. 3477-IV]. Bulletin of the Verkhovna Rada of Ukraine. 2006;30: art. 260. (Ua)
- Konstytucija Ukrainy: vid 28 chervnja 1996 r. № 254k-96 VR [Constitution of Ukraine: of June 28, 1996 No. 254k-96 VR]. Bulletin of the Verkhovna Rada of Ukraine. 1996;307: art. 141. (Ua)
- Voigt Ch., Makuch Z., eds. Courts and the environmen. Northampton: Massachusetts: Edward Elgar Publishing, Inc; 2018. doi: 10.4337/9781788114677.
- Case of Leon and Agnieszka Kania v. Poland, application No. 12605/03, Judgement of the European Court of human rights of 21 July 2009, final 21/10/2009 Available from: <http://hudoc.echr.coe.int/eng?i=001-93650> [reviewed 2019.09.10]
- Case of Dzemyuk v. Ukraine, application No. 42488/02, Judgement of the European Court of human rights of 4 September 2014, final 04/12/2014 Available from: <http://hudoc.echr.coe.int/eng?i=001-146357>. [reviewed 2019.09.10]
- Kalyshuk L.A. Osoblyvosti zastosuvannya st. 8 Konvenciji pro zakhyst prav ljudyny i osnovopolozhnykh svobod pry zakhysti ekologichnykh prav ghromadjan [Peculiarities of Application of Article 8 of the European Convention of Human Rights for Protection of Environmental Rights of Citizens]. Scientific Bulletin of Uzhhorod National University (Series: Law). 2015;31,2:76–79. (Ua)
- Zakhyst prava na bezpechne dlia zhyttia i zdorovia dovykillia [Protection of the Right to a Safe and Healthy Environment] Available from: <http://epl.org.ua/law-tax/spravy/zahyst-prava-na-bezpechne-dlya-zhyttia-i-zdorovya-dovykillia>. [reviewed 2019.09.10] (Ua)
- Vpershe v istoriji Ukrainy sud zadovoljnyv pozov postrazhdalych vid ekologichnogho lykha [For the First Time in the History of Ukraine, the Court Sustained the Claim of Victims of the Environmental Disaster] Available from: <https://ecotown.com.ua/news/Vpershe-v-istoriyi-Ukrainy-sud-zadoljnyv-pozov-postrazhdalych-vid-ekologichnogho-lykha>. [reviewed 2019.09.10] (Ua)
- Rejestr sudovykh rishenj z pytanj, shho stosujutsja dovykillia [A Register of Court Decisions in the sphere of Environmental protection] Available from: <http://caselawepi.org.ua>. [reviewed 2019.09.10] (Ua)
- Makarova T.I. Ekologo-pravovoj status grazhdan Respubliki Belarus [Environmental and Legal Status of Citizens of the Republic of Belarus]. Minsk: BGU; 2004. (Ua)
- Brinchuk M.M. Ekologicheskoe pravo (pravo okruzhayushej srody): uchebnik [Environmental Law: Textbook]. Moscow: Yurist; 2000. (Ru)
- Zaghaljna deklaracija prav ljudyny: vid 10 ghrudnja 1948 r. (Dok. OON/PES/217 A) [Universal Declaration of Human Rights: December 10, 1948 (Doc UN/PES/217 A)] Available from: <http://kr-admin.gov.ua/mol/molod/2.pdf>. [reviewed 2019.09.10] (Ua)
- Jevropejska socialjna khartija: vid 18 zhovtnja 1961 r. [European Social Charter: of October 18, 1961]. Bulletin of the Verkhovna Rada of Ukraine. 2007;51: art. 2096. (Ua)
- Turner S.J., Shelton D.L., Razzaque J., McIntyre O., May J.R., eds. Environmental Rights: the Dvelopment of Standarts. Cambridge: Cambridge University Press; 2019. doi: 10.1017/9781108612500.
- Boyle A. Human Rights and International Environmental Law: Some Current Poblems Available from: <https://www.eui.eu/Documents/DepartmentsCentres/Law/ResearchTeaching/WorkingGroups/08-03-HumanRights.pdf>. [reviewed 2019.09.10] (Ua)
- Boyle A. Human Rights and the Environmental: Where Next? European Journal of International Law. 2012;23,3:613–642. doi: 10.1093/ejil/chs054.
- Pro Osnovni zasady (strateghiju) derzhavnoji ekologichnoji polityky Ukrainy na period do 2020 roku: Zakon Ukrainy vid 21 ghrudnja 2010 r. № 2818-VI [On the Main Principles (Strategy) of the National Environmental Policy of Ukraine for the Period until the Year 2020: Law of Ukraine of December 21, 2010 No. 2818-VI]. Bulletin of the Verkhovna Rada of Ukraine. 2011;26: art. 218. [reviewed 2019.09.10] (Ua)
- Nacionaljna dopovidj pro stan navkolyshnjogho pryrodnogho seredovyshha v Ukraini u 2014 roci [National Report on the State of Environment in Ukraine in 2014]. Kyiv: FOP Ghrinj D.S.; 2016. (Ua)

25. Deklaracija Konferenciji Orhanizaciji Ob'jednanykh Nacij z problem otochujuchogho ljudynu seredovyshha: vid 16 chervnja 1972 r. [Declaration of the United Nations Conference on the Human Environment: of June 16, 1972] Available from: https://zakon.rada.gov.ua/laws/show/995_454. [reviewed 2019.09.10] (Ua)
26. Evtushenko V.I. Sovremennye tendencii sovershenstvovaniya gosudarstvennogo regulirovaniya realizacii konstitucionnogo prava cheloveka i grazhdanina v Rossijskoj Federacii na blagopriyatnyu okruzhayushuyu sredu [Current Trends in Improving State Regulation of the Implementation of the Constitutional Rights of Human and Citizen in the Russian Federation to a Favorable Environment]. Belgorod State University Scientific bulletin. Philosophy. Sociology. Law. 2010; 2(97),15:195–206. (Ru)
27. Dubovik O.L., Kremer L., Lyubbe-Volff G. Ekologicheskoe pravo: uchebnik [Environmental Law: Textbook]. Moscow: Eksmo; 2005. (Ru)
28. Pro zakhyst ljudyny vid vplyvu ionizujuchogho vyprominjuvannja: Zakon Ukrainy vid 14 sichnja 1998 r. № 15/98-VR [On Human Protection from the Impact of Ionizing Radiation: the Law of Ukraine of January 14, 1998 No. 15/98-VR]. Bulletin of the Verkhovna Rada of Ukraine. 1998;22: art. 115. (Ua)
29. Pro zabezpechennja sanitarnogho ta epidemichnogho blaghopoluchchja naselennja: Zakon Ukrainy vid 24 ljutogho 1994 r. № 4004-XII [On Ensuring Sanitary and Epidemic Safety of the Population: Law of Ukraine of February 24, 1994 No. 4004-XII]. Bulletin of the Verkhovna Rada of Ukraine. 1994;27: art. 218. (Ua)
30. Osnovy zakonodavstva Ukrainy pro okhoronu zdorov'ja: Zakon Ukrainy vid 19 lystopada 1992 r. № 2801-XII [Fundamentals of the Legislation of Ukraine on Health Care: Law of Ukraine of November 19, 1992 No. 2801-XII]. Bulletin of the Verkhovna Rada of Ukraine. 1993;4: art. 19. (Ua)
31. Need to ensure a healthy environment for the well-being of individuals: Resolution No. A/RES/45/94, 68th plenary meeting 14 December 1990. In: Resolutions and Decisions adopted by the General Assembly during its 45th session. Vol. 1. Resolutions and Decisions, 18 September – 21 December 1990: GAOR, 45th Session, Supplement No. 49 A (A/45/49). New York: United Nations; 1991, p. 178. Available from: <https://undocs.org/en/A/RES/45/94>. [reviewed 2019.09.10]
32. Zemeljnyj kodeks Ukrainy: vid 25 zhovtnja 2001 r. № 2768-III [The Land Code of Ukraine: of October 25, 2001 No. 2768-III]. Bulletin of the Verkhovna Rada of Ukraine. 2002;3/4: art. 27. (Ua)
33. Vodnyj kodeks Ukrainy № 213/95-VR vid 6 chervnja 1995 r. [The Water Code of Ukraine No. 213/95-VR of June 6, 1995]. Bulletin i of the Verkhovna Rada of Ukraine. 1995;24: art. 189. (Ua)
34. Lisovyj kodeks Ukrainy № 3852-XII vid 21 sichnja 1994 r [The Forest Code of Ukraine No. 3852-XII of January 21, 1994]. Bulletin of the Verkhovna Rada of Ukraine. 1994;17: art. 99. (Ua)
35. Kodeks Ukrainy pro nadra № 132/94-VR vid 27 lypnja 1994 r. [The Code of Ukraine about Subsoil No. 132/94-VR of July 27, 1994]. Bulletin of the Verkhovna Rada of Ukraine. 1994;36: art. 340. (Ua)
36. Pro roslynnij svit: Zakon Ukrainy № 2026-III vid 5 zhovtnja 2000 r. [On Flora: Law of Ukraine No. 591-XIV of April 9, 1999]. Bulletin of the Verkhovna Rada of Ukraine. 1999;22/23: art. 198. (Ua)
37. Pro tvarynnyj svit: Zakon Ukrainy № 2894-III vid 12 ghrudnja 2001 r. [On Animal World: Law of Ukraine No. 2894-III of December 13, 2001]. Bulletin i of the Verkhovna Rada of Ukraine. 2002;14: art. 97. (Ua)
38. Pro pryrodno-zapovidnyj fond Ukrainy: Zakon Ukrainy № 2456-XII vid 16 chervnja 1992 r. [On Nature Reserve Fund of Ukraine: Law of Ukraine No. 2456-XII of June 16, 1992]. Bulletin of the Verkhovna Rada of Ukraine. 1992;34: art. 502. (Ua)
39. Directive 2000/60/EC of the European Parliament and of the Council of 23 October 2000 establishing a framework for Community action in the field of water policy Available from: <http://eur-lex.europa.eu/legal-content/EN/TXT/?uri=CELEX:32000L0060>. [reviewed 2019.09.10]
40. Directive 2006/7/EC of the European Parliament and of the Council of 15 February 2006 concerning the management of bathing water quality and repealing Directive 76/160/EEC Available from: <http://eur-lex.europa.eu/legalcontent/EN/TXT/?qid=1499762530430&uri=CELEX:32006L0007>. [reviewed 2019.09.10]
41. Pro kurorty: Zakon Ukrainy № 2026-III vid 5 zhovtnja 2000 r. [On Resorts: Law of Ukraine No. 2026-III of October 5, 2000]. Bulletin of the Verkhovna Rada of Ukraine. 2000;50: art. 435. (Ua)
42. Pro zatverdzhennja Instrukciji po stvorennju i vedennju Derzhavnogho kadastru pryrodnykh likuvalnykh resursiv: nakaz MOZ Ukrainy № 687 vid 23 veresnja 2009 r. [On approval of the Instruction on creation and maintenance of the State cadastre of natural medicinal resources: Order of the Ministry of Health of Ukraine No. 687 of September 23, 2009]. Official Gazette of Ukraine. 2010;12: art. 586. (Ua)
43. EüM rendelet 74/1999. (XII. 25.) a természetes gyógytényezőkről Available from: <https://net.jogtar.hu/getpdf?docid=99900074.EUM&targetdate=&printTitl>. [reviewed 2019.09.10]
44. Zákon ze dne 13 dubna 2001 o přírodních léčivých zdrojích, zdrojích přírodních minerálních vod, přírodních léčebných lázních a lázeňských místech a o změně některých souvisejících zákonů (lázeňský zákon) Available from: <https://www.zakonyprolidi.cz/cs/2001-164#cast2>. [reviewed 2019.09.10]

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