

HUMAN RIGHTS-BASED APPROACHES AND DOMESTIC LEGAL RESPONSES TO NCDs: LESSONS LEARNED

EXPERT MEETING

22 September, 2015

Hosted by the International Development Law Organization (IDLO)

In collaboration with:

Global Health Law Groningen

&

Economic, Social and Cultural Rights Working Group of the
Netherlands School of Human Rights Research

CONSENSUS STATEMENT

PREAMBLE

On 22 September 2015, the International Development Law Organization (IDLO), in collaboration with Global Health Law Groningen and the Economic, Social and Cultural Rights Working Group of the Netherlands School of Human Rights Research, convened a meeting of experts in international law and global health law. The experts reviewed how international human rights law can contribute to the global response to non-communicable diseases (NCDs), and discussed whether new sources of legal obligation were needed. The issues were examined with reference to obesity, diabetes and unhealthy diets, however the conclusions of the meeting contain lessons for all NCDs.

NCDs THREATEN SUSTAINABLE DEVELOPMENT

We welcome and affirm the proposed United Nations framework on a sustainable development agenda, specifically as it relates to NCDs.

We recall the World Health Organization has noted that:

- NCDs are the greatest cause of preventable illness, disability and mortality worldwide, leading to 38 million deaths annually, almost three-quarters of which occur in low- and middle income countries;
- Sixteen million NCD deaths occur before the age of 70; 82% of these "premature" deaths occurred in low- and middle-income countries;
- These premature deaths are largely preventable by tackling shared risk factors – tobacco use, unhealthy diets, physical inactivity and the harmful use of alcohol;
- Children and youth are also affected by treatable NCDs, and many of the behaviors that lead to adult NCDs start during childhood and adolescence;
- In low-resource settings, health-care costs for cardiovascular diseases, cancers, diabetes and chronic lung diseases can quickly drain household resources, driving families into poverty;



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- The exorbitant costs associated with NCDs, including often lengthy and expensive treatment and loss of breadwinners, are forcing millions of people into poverty annually, stifling development.

INTERNATIONAL AND NATIONAL LEGAL FRAMEWORKS

We recognize that:

- All human rights are implicated in the response to NCDs, including among others the rights to health, food and development;
- The right to health stresses two dimensions: access to healthcare, including access to medicines, and access to the underlying determinants of health; thus stressing the need to progressively realize people's access to healthcare services, as well as the conditions in which people can lead a healthy life;
- Access to healthcare encompasses access to affordable diagnosis and treatment, including palliative care, and safe and effective medicines of assured quality and in sufficient quantity to treat NCDs; the underlying determinants of health include access to affordable, safe and healthy food and nutrition, access to safe and potable water and adequate sanitation, safe and healthy working conditions, housing, and a healthy environment ;
- Children and youth with NCDs require access to health care, education, and community services that are specific to their and their families' needs;
- International, regional and national responses to HIV based on human rights, as well as the Framework Convention on Tobacco Control (FCTC) – with special attention to the conditions of trade and investment treaties, provide valuable lessons for the response to NCDs.

We further recognize that:

- NCDs take a higher toll on developing countries due to social and economic inequalities, impacting negatively on the right to development; North-South and South-South cooperation in the prevention and control of NCDs is important for the prevention and control of NCDs;
- Responding to NCDs demands multisectoral, whole-of-government and whole-of-society responses;
- Excessive focus on personal responsibility distracts the attention from urgently needed action on the social determinants of health in order to prevent and control NCDs;
- Opportunities to prevent and control NCDs occur at multiple stages of life; interventions in early life often offer the best chance for primary prevention;
- Comprehensive legislative and regulatory frameworks and legal practices are an essential part of the national response; States' actions on NCDs must be consistent with their international legal obligations; WHO standards and guidance on evidence-based actions to address NCDs will assist determine these obligations.
- More discussions are needed on the possibility of adopting a specialized international legal instrument, within the framework of the World Health Organization, which could strengthen the current legal framework for tackling NCDs, based on existing experiences with the FCTC, other international instruments including the Codex Alimentarius, and domestic legislation.

This Consensus Statement was adopted by the participants in their individual capacities at the Expert Meeting on *Human Rights-based Approaches and Domestic Legal Responses to NCDs: Lessons Learned*, which took place in The Hague, The Netherlands, on 22 September 2015.