

# Global Advocacy for Health and Patients' Rights in Cancer Prevention and Care

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## PRESENTATION OVERVIEW

1. Fundamental Rights Relevant to Cancer Prevention and Care
2. International Frameworks to Promote Cancer Prevention and Care
3. Case Study on Global Advocacy: Shadow Reporting on Tobacco Control in Argentina

SECTION 1: FUNDAMENTAL RIGHTS RELEVANT TO CANCER PREVENTION AND CARE



International Covenant on  
Economic Social and Cultural Rights

## Right to Health

### The International Covenant on Economic, Social and Cultural Rights (ICESCR)

- **164 parties**
- Protects **economic, social and cultural rights**
  - For example: non-discrimination (Article 1), right to work (Articles 6-7), right to education (Articles 13-14)
- Countries must take **progressive steps to fully realize** these rights in accordance with available resources (Article 2(1))

SECTION 1: FUNDAMENTAL RIGHTS RELEVANT TO CANCER PREVENTION AND CARE



International Covenant on  
Economic Social and Cultural Rights

## Right to Health

### International Covenant on Economic, Social and Cultural Rights, Article 12, Right to Health

1. The States Parties to the present Covenant recognize the **right of everyone to the enjoyment of the highest attainable standard of physical and mental health.**
2. The **steps to be taken by the States Parties** to the present Covenant to achieve the full realization of this right shall include those necessary for:
  - . . . .
  - (c) The **prevention, treatment and control of epidemic, endemic, occupational and other diseases;**
  - (d) The creation of conditions which would assure to all medical service and medical attention in the event of sickness.

## SECTION 1: FUNDAMENTAL RIGHTS RELEVANT TO CANCER PREVENTION AND CARE

# Right to Health

## General Comment No. 14: The Right to the Highest Attainable Standard of Health

- Details the **normative content** of the right to health
  - Right to health does ***not* mean the right to be healthy**
  - Requires States to provide **appropriate and timely care** and **address the underlying determinants of health**
  - Take into account both a ***person's*** “biological and socioeconomic preconditions” and the role of “**unhealthy or risky lifestyles**” with the ***State's*** **available resources**

## SECTION 1: FUNDAMENTAL RIGHTS RELEVANT TO CANCER PREVENTION AND CARE

# Right to Health

## Cancer Prevention and Treatment

- **World Cancer Declaration of 2013** – “access to cancer prevention, early detection and screening, diagnosis, treatment and care as a [fundamental] right under the [International Covenant on Economic, Social and Cultural Rights]”
- **General Comment No. 14** – **cancer has become more prevalent** and has created “new obstacles for the realization of the right to health[,]” “which “need[s] to be taken into account when interpreting article 12.”
- **General Comment No. 22** - Article 12 of the International Covenant on Economic, Social and Cultural Rights compels States “to **aim to ensure universal access**, without discrimination for all individuals, including those from disadvantaged and marginalized groups, to . . . **prevention, diagnosis and treatment of . . . reproductive cancers . . . .**”

## SECTION 1: FUNDAMENTAL RIGHTS RELEVANT TO CANCER PREVENTION AND CARE

# Right to Food

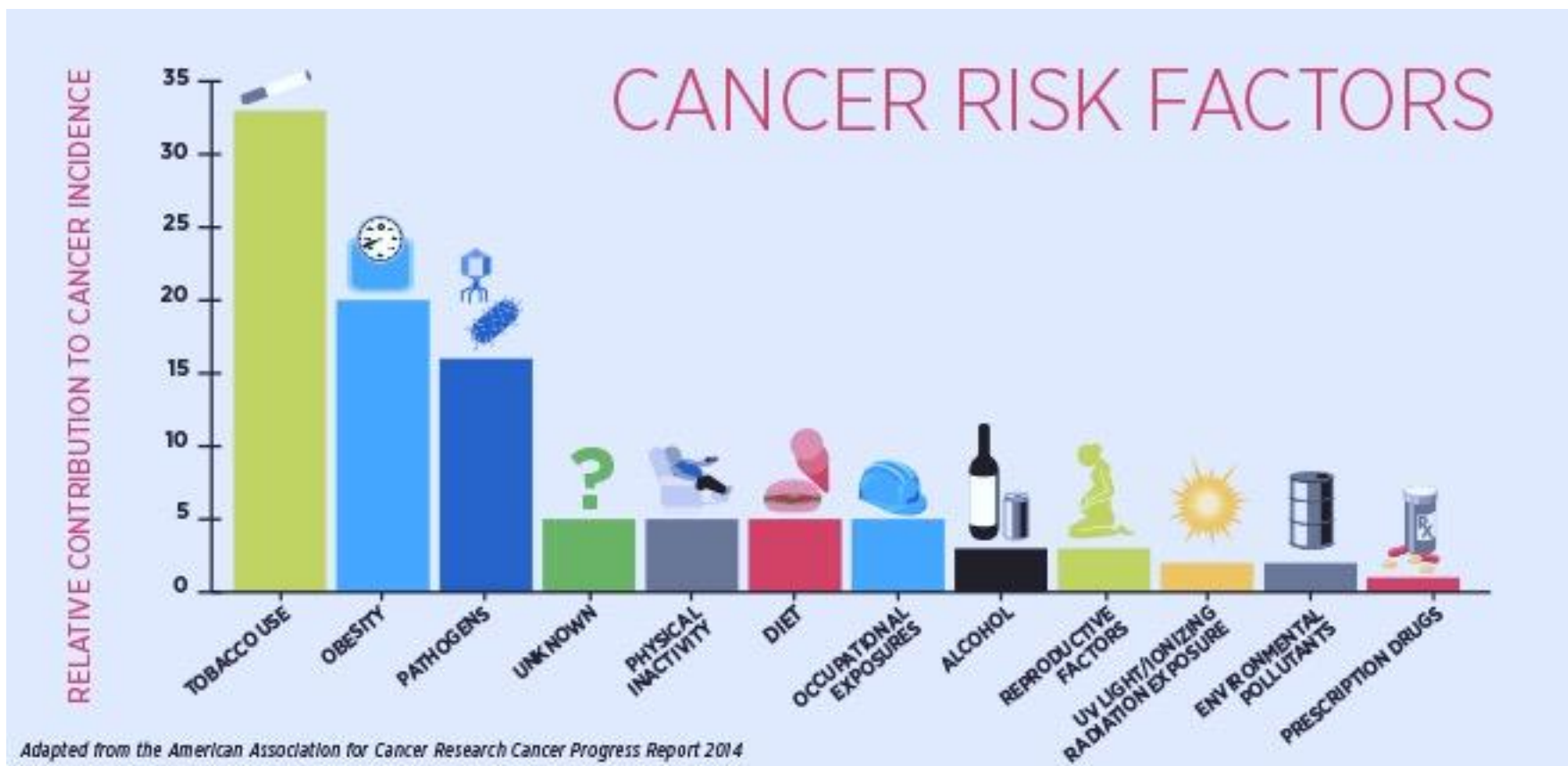
## International Covenant on Economic, Social and Cultural Rights, Article 11

- “right to a adequate standard of living, **including adequate food**” and the “fundamental right to be **free from hunger**”

## UN Special Rapporteur on the Right to Food

- “[T]he right to have **regular, permanent and unrestricted access**, either directly or by means of financial purchases, to **quantitatively and qualitatively adequate and sufficient food** corresponding to the cultural traditions of the people to which the consumer belongs, and which ensure a physical and mental, individual and collective, fulfilling and dignified life free of fear.”

## SECTION 2: INTERNATIONAL FRAMEWORKS TO PROMOTE CANCER PREVENTION AND CONTROL





SECTION 2: INTERNATIONAL FRAMEWORKS TO PROMOTE CANCER PREVENTION AND CONTROL



## Non-communicable Diseases (NCDs)

### Global Action Plan for the Prevention and Control of Non-communicable Diseases

- Non-communicable diseases caused **63% of deaths globally in 2008**, with **80% occurring in low- and middle-income countries**
- The Action Plan:
  - **Fundamental rights approach**, recognizing the right to health
  - **Policy options** for Member States and stakeholders to coordinate and develop a response to meet **nine voluntary targets**

SECTION 2: INTERNATIONAL FRAMEWORKS TO PROMOTE CANCER PREVENTION AND CONTROL

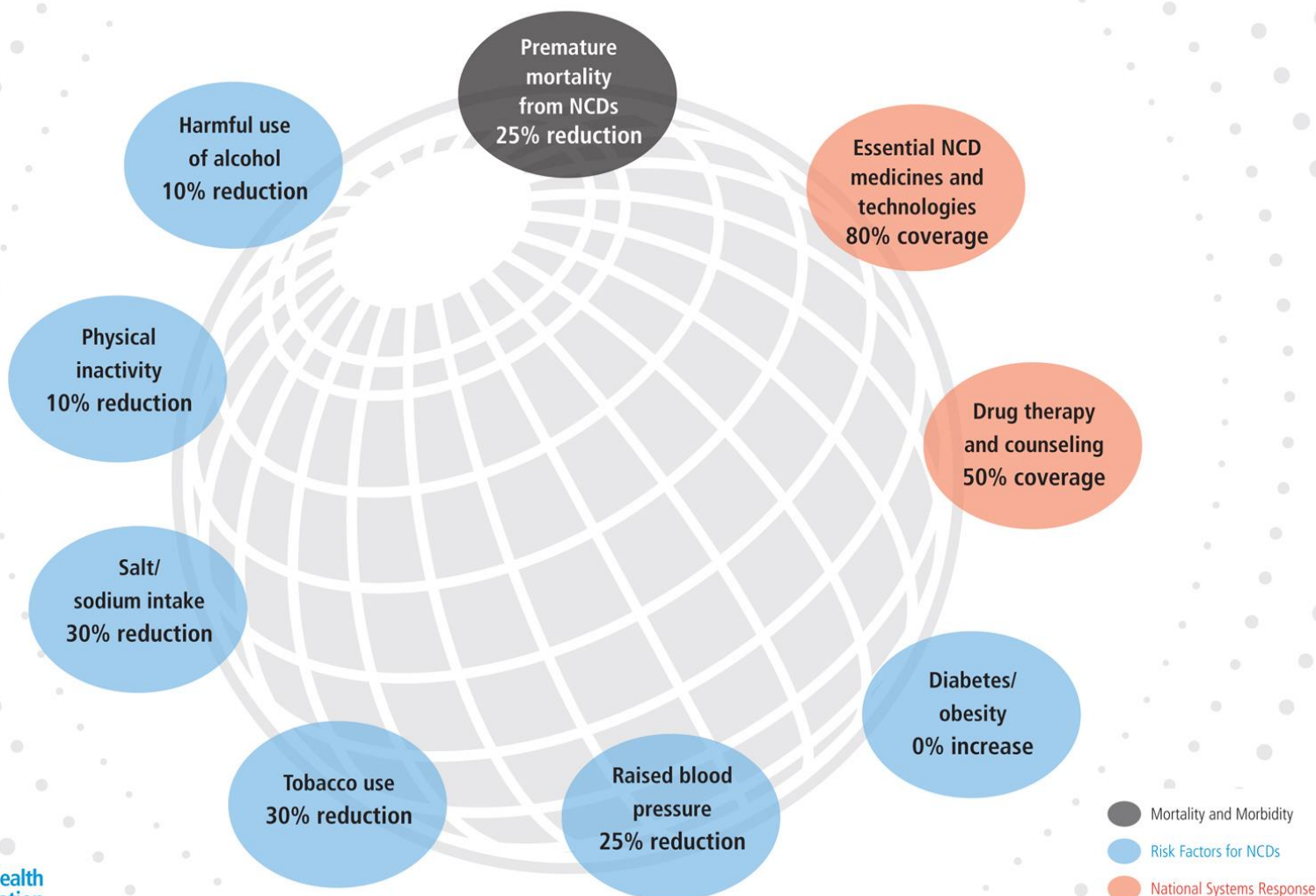


## Non-communicable Diseases (NCDs)

### The Global Action Plan and Cancer Prevention and Care

- Target 1: a **25% relative reduction in overall mortality** from cardiovascular diseases, **cancer**, diabetes, or chronic respiratory diseases
- Objective 4, Cancer:
  - **Policy options** to achieve cancer mortality reduction include
    - Hepatitis B immunization to prevent liver cancer; cervical cancer screening and timely treatment; vaccination against human papillomavirus; oral cancer screening and timely treatment in high-risk groups

# Set of 9 voluntary global NCD targets for 2025



SECTION 2: INTERNATIONAL FRAMEWORKS TO PROMOTE CANCER PREVENTION AND CONTROL



# Tobacco Control

## The Framework Convention on Tobacco Control (FCTC)

- First treaty negotiated at the World Health Organization (WHO)
- Signed by **168 countries**; binding on **180 ratifying states**
- Objective is “to **protect present and future generations from the devastating health, social, environmental and economic consequences of tobacco consumption and exposure to tobacco smoke . . . .**”
- Requires parties to **adopt baseline strategies** that reduce *both* tobacco
  - **Demand** (articles 6-14)
  - **Supply** (articles 15-17)

SECTION 2: INTERNATIONAL FRAMEWORKS TO PROMOTE CANCER PREVENTION AND CONTROL



# Tobacco Control

## Framework Convention on Tobacco Control (FCTC) and Cancer

- FCTC, Preamble: “[M]any of the compounds [in cigarettes and some other tobacco products] and the smoke they produce are *pharmacologically active, toxic, mutagenic and carcinogenic* . . . .”
  - Tobacco contributes to **nearly 20% of global cancer deaths and 70% of global lung cancer deaths**
- Provisions relevant to cancer prevention and control:
  - Article 6: governments **raise tobacco excise taxes** affordability of tobacco products
  - Article 8: protection from exposure to **tobacco smoke**
  - Article 11: **packaging and labelling** of tobacco products
  - Article 13: **ban on tobacco advertising, promotion, and sponsorship**
  - Article 14: treatment for **tobacco dependence and cessation** services

SECTION 2: INTERNATIONAL FRAMEWORKS TO PROMOTE CANCER PREVENTION AND CONTROL



## Alcohol control

### Global Strategy to Reduce the Harmful Use of Alcohol

- Focuses on **ten areas of national action**, from human health service response to pricing, and prioritizes four areas for global action, such as public health advocacy
- Cancer prevention and care
  - **Harmful drinking is a major avoidable risk factor** for various cancers
- Specific policy recommendations include:
  - Development of **effective prevention, treatment and care strategies for alcohol-use disorders** and co-morbid conditions
  - **Regulation of alcohol marketing**
  - Adopting **domestic taxation** schemes on alcohol

SECTION 3: CASE STUDY ON GLOBAL ADVOCACY

## Tobacco Control in Argentina

### The Current Tobacco Epidemic

- Non-communicable diseases cause **80% deaths in Argentina**
  - Tobacco is a major risk factor
  - **40,000 tobacco-related deaths per year** in Argentina
- Tobacco consumption remains the **highest in the region**
- Argentina has ***not* ratified the Framework Convention on Tobacco Control** or passed national law with similar measures
- Tobacco industry **targets women and children**
  - **11,348 Argentine women die each year** from tobacco-related illness
  - **Prevalence of lung cancer among women doubled, 1980-2008**



## SECTION 3: CASE STUDY ON GLOBAL ADVOCACY

# Shadow Reporting on Tobacco Control

## Shadow Reports

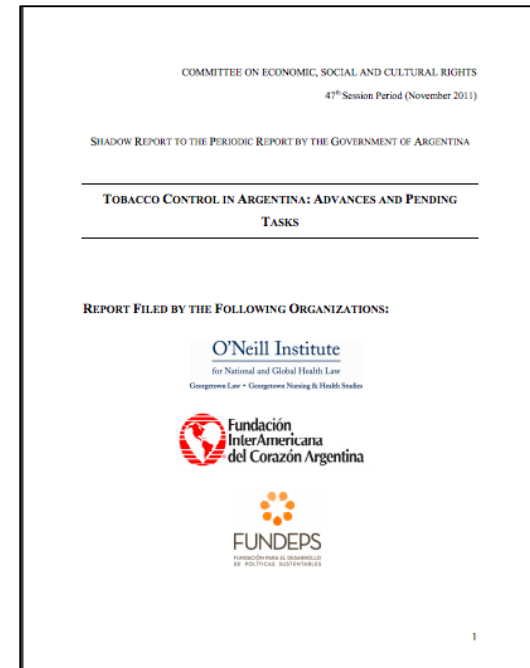
- **Supplement or present alternative information** to State submissions to international rights treaty monitoring committees
  - Advocates and civil society, independent of the State, present observations and express concern
- For tobacco control, shadow reports
  1. **Place international pressure on States** to implement tobacco-control measures
  2. **Strengthen the connection between the FCTC and international rights obligations**



SECTION 3: CASE STUDY ON GLOBAL ADVOCACY

# O'Neill Institute Shadow Report on Tobacco Control in Argentina

- In 2011, the O'Neill Institute, with partners, **submitted a shadow report** to assist the **Committee on Economic, Social, and Cultural Rights** in evaluating Argentina's report on its obligations
- The report focused on **International Convention Economic, Social and Cultural Rights Article 12** with respect to Argentina's efforts to **prevent and reduce tobacco consumption** through its national tobacco control law



### SECTION 3: CASE STUDY ON GLOBAL ADVOCACY

# O'Neill Institute Shadow Report on Tobacco Control in Argentina

## Argentina's Tobacco Control Law, Law No. 26.687 (2013)

- Strengths:
  - Article 23: Smoking ban in enclosed public spaces
  - Chapter III: Health warnings and pictures on cigarette packages
- Areas for improvement:
  - Failure to ratify the Framework Convention on Tobacco Control
  - Regulation of cigarette taxes and pricing
  - Advertising of tobacco products
  - Sponsorship by the tobacco industry
- Emphasized affect of tobacco epidemic on women and youth

## SECTION 3: CASE STUDY ON GLOBAL ADVOCACY

# CEDAW Report

## Findings on tobacco control in Argentina

- **Urged Argentina to:**
  - **Ratify the Framework Convention on Tobacco Control and take legislative measures to guarantee the treaty's incorporation** into national law
  - Apply a **tax policy** that increases cigarette prices
  - **Prohibit “brand sponsorship”**
- **Noted concern about the high level of tobacco consumption, especially among women and youth**
  - “The Committee recommends that the State party...develop effective public awareness and tax and pricing policies to reduce tobacco consumption, in particular targeting women and youth.”

THANK YOU!

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