**QUESTIONNAIRE**

**CHRONIC NONCOMMUNICABLE DISEASES IN
THE INTER-AMERICAN HUMAN RIGHTS LEGAL FRAMEWORK**

1. **Introduction and Purpose**

The Special Rapporteur on Economic Social, Cultural and Environmental Rights (REDESCA) to the Inter-American Commission on Human Rights, will produce a thematic report on Noncommunicable Diseases (NCDs) and Human Rights in the Inter-American System. Given the high prevalence of NCDs in the American and Caribbean regions[[1]](#footnote-1), the objective of this report is to establish the impacts that NCDs have on human rights in the region, and the implications of their treatment and prevention in relation to State obligations in light of the Inter-American legal frameworks.

The epidemic of NCDs on the American continent is a serious problem. According to the World Health Organization (WHO), and the Pan-American Health Organization (PAHO), NCDs are the leading cause of death worldwide[[2]](#footnote-2), as they are responsible for more than 70% of deaths in the world[[3]](#footnote-3) (equivalent to approximately 41 million deaths)[[4]](#footnote-4). On the American continent, NCDs have even more harmful and widespread effects, as they cause approximately 80% of deaths[[5]](#footnote-5), that is, 5.5 million deaths annually[[6]](#footnote-6).

This prevalence has a serious impact on the enjoyment of human rights, particularly the right to health. For example, NCDs place a burden on systems which tends to generate issues of accessibility and availability of health services. These are essential components of the right to health according to the IACHR, the Inter-American Court of Human Rights, and the Committee on Economic Social and Cultural Rights (CESCR), as well as having implications for the rights to life and personal integrity, among others. Additionally, the problem of NCDs, particularly those that are the product of modifiable risk factors, reveals the fundamental relevance of States adopting a preventive approach through adequate regulatory interventions that effectively achieve the reduction of the incidence of NCDs and their impact on the right to health of the people in their jurisdictions.

A problem made visible by the COVID-19 pandemic, and one closely related to non-communicable diseases, is the role of the social determinants of health. The disparities in the prevalence of said illnesses in the most vulnerable- in those for whom the notion of intersectionality is fundamental- and their implications in the disparities across socioeconomic groups of those who died of COVID-19 across the continent, are a blatant demonstration of this situation.

For the aforementioned reasons, the REDESCA will begin the process of preparing the thematic report for consideration by the Inter-American Commission on Human Rights. This report aims for the REDESCA, in the exercise of its mandate, to analyze the situation in the region, establish Inter-American standards on the topic, highlight good practices by the States, and offer recommendations to orient them in their fight against NCDs in light of their Inter-American human rights obligations.

For the purpose of the preparation of this report, NCDs will be defined as a group of conditions that are not primarily caused by an acute infection, result in long-term health consequences and often create a need for long-term treatment and care[[7]](#footnote-7). NCDs primarily include cancers, cardiovascular disease, diabetes, chronic lung illnesses[[8]](#footnote-8), and mental health disorders[[9]](#footnote-9).

**II. Instructions**

The REDESCA invites interested individuals or institutions to present their responses to this questionnaire with information on statistical data, policy frameworks, public policies, protective mechanisms, challenges and best practices, no later than **January 29th 2023** to the following address:

Special Rapporteurship on Economic, Social, Cultural and Environmental Rights (REDESCA)

Inter-American Commission on Human Rights

Special Rapporteurship on Economic, Social, Cultural and Environmental Rights

Organization of American States

1889 F St NW

Washington, D.C. 20006

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In the case of email response submissions, please include the following in the subject line: “Questionnaire- Non-communicable diseases and Human Rights”

The information submitted in response to this questionnaire may address all or some of the points requested. Responses may be presented in Spanish, English, Portuguese, or French. It is requested that you identify the questions to which you will respond by their number in the document that will be sent. Likewise, you are invited to respond directly to each of the questions presented, providing concrete and specific information on what is considered most pertinent, significant, and/or relevant.

If presenting annexes, it is requested that they be clearly identified and distinguished from the main document. It is possible to present previously published reports as annexes.

**III. Information Requested**

1. **Statistical information**
2. Indicate whether the State has official statistical data from within the last five years, related to:
* The rates of mortality and morbidity caused by NCDs
* Disaggregated information on the rates or statistics of mortality and morbidity from NCDs in certain social groups (for example- by sex, gender, ethnic origin, nationality, socioeconomic status, age, pre-existing health conditions, migration status etc.)
* Incidence rates of NCDs in persons who were infected with, or died from COVID-19
* Incidence or presence of risk factors in the general population, and disaggregated by social group (for example- by sex, gender, ethnic origin, nationality, socioeconomic status, age, pre-existing health conditions, migration status etc.)
1. If possible, provide this statistical information or indicate where it is available and accessible. If there is no information generated by the State, but there is information generated by other entities or organizations, please respond to the questions above indicating the source of said information.

**2. Regulatory Frameworks**

1. Specify, if they exist, the current laws in the national and/or local legal framework that seek to recognize and guarantee:
* The right to health in its preventive components, and in the provision of services
* The right to adequate food
* The right to water and sanitation
* The right to a healthy environment
* The principles of equality and non-discrimination, in relation to economic, social, and cultural rights, particularly the rights to health, to adequate food, to water, or to a healthy environment
* The right to access information
* The right to benefit from scientific progress
* The right to effective remedies for violations of the rights to health, adequate food, water, or a healthy environment
1. If possible, provide the legal texts or judicial cases or indicate where they may be consulted.
2. Mention whether the State has ratified the WHO Framework Convention on Tobacco Control, as well as the regulatory and public policy modifications that, if applicable, have been implemented as a result of the ratification.

**3. Public Policies**

1. Describe the public policies, programs, and national or subnational plans and measures that the State has implemented in the last five years with the purpose of:
* Preventing, diagnosing, and providing services to treat NCDs
* Eliminating and/or reducing modifiable risk factors that contribute to the occurrence of NCDs
* Promoting the adoption of healthy lifestyles
* Securing and guaranteeing adequate, culturally appropriate, quality, and sustainable food
* Educating and informing about how NCDs develop, and how to prevent them
1. Mention which are the indicators and institutional mechanisms that monitor and evaluate advancements in these public policies. If they do not exist, indicate which indicators or supervisory mechanisms you consider most adequate.
2. Provide information on the challenges and advancements in the design, formulation, implementation, execution, monitoring and evaluation of these public policies.

**Mechanisms for judicial and non-judicial protection**

Indicate the judicial and non-judicial mechanisms available to protect and guarantee access to goods and services related to the prevention and treatment of NCDs, or the elimination and reduction of risk factors that contribute to their occurrence.

**Challenges**

Indicate the primary structural, legal, economic, cultural, political, and social challenges to introducing policies and programs, plans, or legal norms, whose objectives are: (i) the prevention and treatment of NCDs (ii) the elimination or reduction of their risk factors.

**Best Practices**

If they have not been previously mentioned, indicate which have been the best practices implemented whose objectives have been: (i) the prevention and treatment of NCDs (ii) the elimination or reduction of their risk factors.

Thank you for participating!

1. *See* WHO and PAHO. *NCDs at a Glance: NCD Mortality and Risk Factor Prevalence in the Americas*

 2019, p. 4. Available at: <https://iris.paho.org/handle/10665.2/51752>. [↑](#footnote-ref-1)
2. WHO and PAHO. Prevention and Control of Noncommunicable Disease Risk Factors. Status of the Application of Cost Effective Measure in Latin America, 2019, p. 5. Available at: <https://iris.paho.org/handle/10665.2/50833>; WHO. Noncommunicable diseases: progress monitor 2017*,* p. 7. Available at: <https://apps.who.int/iris/handle/10665/258940>.. [↑](#footnote-ref-2)
3. WHO. Noncommunicable diseases: progress monitor 2020, p. 1. Available at: <https://apps.who.int/iris/handle/10665/330805>. [↑](#footnote-ref-3)
4. OMS y OPS. Noncommunicable Diseases. Key Facts. Available at: <https://www.paho.org/es/temas/enfermedades-no-transmisibles>. [↑](#footnote-ref-4)
5. *See* WHO and PAHO. *NCDs at a Glance: NCD Mortality and Risk Factor Prevalence in the Americas*

 2019, p. 2. Available at: <https://iris.paho.org/handle/10665.2/51752>. [↑](#footnote-ref-5)
6. *See* WHO and PAHO. *NCDs at a Glance: NCD Mortality and Risk Factor Prevalence in the Americas*

 2019, p. 4. Available at: <https://iris.paho.org/handle/10665.2/51752>. [↑](#footnote-ref-6)
7. *See* WHO and PAHO. *Noncommunicable Diseases.* Available at: <https://www.paho.org/en/topics/noncommunicable-diseases>. [↑](#footnote-ref-7)
8. *See* WHO and PAHO. *Noncommunicable Diseases.* Available at: <https://www.paho.org/en/topics/noncommunicable-diseases>. [↑](#footnote-ref-8)
9. Pan American Health Organization. NCDs at a Glance: NCD Mortality and Risk Factor Prevalence in the Americas. Washington, D.C.: PAHO; 2019. Available at: <https://iris.paho.org/handle/10665.2/51696?locale-attribute=es> [↑](#footnote-ref-9)