

Cancer and the Right to Health

By Fiona Lander, MBBS(hons)/LLB(hons)

“ Annually, more than two-thirds of cancer-related deaths occur in low and middle-income countries. However, only 5% of global spending on cancer occurs in these same countries, despite the fact that they account for nearly 80% of the worldwide burden of cancer. ”

At first glance, many health practitioners and members of the public would not think that diseases such as cancer have a great deal to do with human rights, or even the law more generally. After all, aren't human rights about things like freedom of speech, torture and imprisonment? And how can a person contracting cancer involve an infringement of their basic rights?

Look closely, and the links become more apparent. It is not a coincidence that rates of cancer diagnoses are steadily rising in developing countries, and amongst people of lower socioeconomic status. Annually, more than two-thirds of cancer-related deaths occur in low and middle-income countries (1). However, only 5% of global spending on cancer occurs in these same countries, despite the fact that they account for nearly 80% of the worldwide burden of cancer (2).

Tobacco use remains the single most important risk factor for cancer, causing 22% of global cancer deaths (3). But while tobacco consumption has steadily declined in high-income countries over the last 20 years, tobacco consumption in developing countries has increased to 5.09 million tons (4). The developing world accounts for more than 70% of global cigarette sales (5). There is mounting evidence that tobacco companies have deliberately moved on to target poorly regulated, poorly resourced countries – with weak or inconsistently enforced tobacco legislation – in hopes of maintaining their profit margins (6,7).

Most people think about cancer as a non-communicable disease – that is, a disease that isn't contagious. But many cancers are actually caused by viral infections, which are readily transmissible between humans. For instance, cervical cancer is caused by certain strains of the human papilloma virus. Such cancers now account for one-fifth of all cancer deaths in developing countries (8). We now have a safe, effective vaccine for HPV, Gardasil, which can prevent cervical cancer. This vaccine has been available in the developed world since 2006-2007. GAVI, the Global Alliance for Vaccines and Immunization, only just added Gardasil to its stable of vaccinations in 2013. And yet, in some Latin American countries cervical cancer, which is entirely preventable, now kills more women worldwide than pregnancy (9).

Occupational health is another area in which a lack of effective laws to protect workers can, in some instances, directly result in cancer. In the absence of respect for, and enforcement of, laws around worker's rights, employees risk exposure to various carcinogens including asbestos, vinyl chloride and pesticides. Substances such as beryllium and silica caused 111,000 deaths from lung cancer in 2004; in addition to this, 59,000 people died from asbestos exposure in the same year (10). These numbers are far from insignificant.

So what can be done about this? There is no doubt that the simple question of adequate funding would go a long way towards addressing these issues. But for long-

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term, sustainable change to occur, broader solutions are necessary.

These might include:

- Cooperation between developed and developing countries to create and effectively enforce laws limiting exposure to carcinogens.
- Tighter legal controls on advertising, marketing and promotion of tobacco in developing countries, to prevent further increases in tobacco use.
- Reform in trade agreements and other legal mechanisms that restrict access to essential medicines, including novel cancer treatments, by making these drugs unaffordable in low and middle-income countries.

Each of these approaches requires an acknowledgement that the public health interest – and the right to health of affected populations in low and middle-income countries – should take precedence over profits and business expansion. Sounds simple? It should be.

Increasing recognition that cancer is not simply a disease of affluence, and is in fact often caused by a combination of poor regulation and a lack of recognition of basic rights, is a good first step in tackling these issues.

Fiona Lander, MBBS(hons)/LLB(hons), is a doctor at Austin Health, and a law graduate. She is currently undertaking research in Australian/Indian comparative public health law, as well as the intersection between global human rights law and economics. She previously worked with the Health and Human Rights team at the WHO, Geneva.

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