

ISSN: 1684-260X

A publication of the Dullah Omar Institute for Constitutional Law, Governance and Human Rights (formerly Community Law Centre), University of the Western Cape.

EDITORS

CHIEF EDITOR

Prof Ebenezer Durojaye

CO-EDITOR

Gladys Mirugi-Mukundi

GUEST EDITORS

Paula Knipe

Dr. Aisosa Jennifer Omoruyi

ESR REVIEW ONLINE

<https://dullahomarinate.org.za/socio-economic-rights/esr-review>

PRODUCTION

The *ESR Review* is produced by the SocioEconomic Rights Project of the Dullah Omar Institute for Constitutional Law, Governance and Human Rights, with the financial assistance of AmplifyChange and CS Mott Foundation.

The contents of the ESR Review are the sole responsibility of the Socio-Economic Rights Project and can under no circumstances be regarded as reflecting the position of the AmplifyChange or CS Mott Foundation.

CONTACT

Socio-Economic Rights Project

Dullah Omar Institute for Constitutional Law, Governance and Human Rights.

University of the Western Cape, New Social Sciences Building. Private Bag X17, Bellville, 7535

Tel: (021) 959 2950

Fax: (021) 959 2411

Email: serp@uwc.ac.za

Website: <https://dullahomarinate.org.za>

Contents

03 EDITORIAL

04 FEATURE

Applying the health justice framework to address health and health-care inequities experienced by vulnerable and marginalised populations with non-communicable diseases during and after Covid-19 in South Africa

18 FEATURE

The effectiveness of government institutions in responding to the epidemic of NCDS

24 FEATURE

Environmental risk factors for NCDS: the interdependence between the right to health and a healthy environment

30 EVENT

Webinar: The link between access to safe and nutritious food and NCDS

33 UPDATE

Report of the special rapporteur on extreme poverty and human rights

Editorial

Welcome to the first *ESR Review Special Edition* in a series on non-communicable diseases (NCDs). Covid-19 has put hypertension, cardiovascular diseases, diabetes, cancer and other NCDs in the spotlight, since people with these co-morbidities are at a heightened risk of serious ill-health, disease and death. The rise of NCDs around the world is worrisome as they are a major cause of premature death and disability. These diseases are particularly rife in developing countries, where they put strain on already overstretched health systems.

Globally, it is estimated that 41 million people die of NCDs every year, with 80 per cent of such deaths occurring in low- and middle-income countries. The rise of NCDs presents a huge economic burden in view of the cost of their management and the loss of productive output to which they lead. The increasing incidence of NCDs is driven largely by tobacco use, physical inactivity, harmful alcohol consumption and unhealthy diets. Consequently, more attention needs to be given to the prevention and management of NCDs through the implementation of effective legal and fiscal measures.

This requires strategies geared towards addressing modifiable risk factors and ensuring equitable access to health-care services for the treatment of NCDs, especially among vulnerable groups. This is critical not only for managing the strain of the pandemic on countries and their health systems, but for ensuring sustainable recovery in the future.

This special edition draws together contributions focused on NCDs, the constitutional and legal frameworks related to them, and their socio-economic implications.

The first article by Osaretin Christabel et al examines the health-justice framework in South Africa, the state's obligation to realise the right to health, and the health-care needs of vulnerable groups with NCDs both during and after the Covid-19 pandemic. The second article by Moses Mncwabe looks at the role of government institutions in responding to the growing epidemic of NCDs in South Africa. The third article by Megan Donald and Christiaan van Schalkwyk deals with environmental risk factors for NCDs, and considers the link between the right to health and a healthy environment by focusing on air pollution. The events section presents the highlights of a webinar series, hosted by the Socio-Economic Rights Project, on human rights and NCDs. In the updates section, we share observations on the Report of the Special Rapporteur on extreme poverty and human rights. We hope you find this issue stimulating and useful in continuing the fight for the right to health in the South and beyond. We wish to thank the anonymous peer reviewers and our guest authors for their insightful contributions.

Dr. Aisosa Jennifer Omoruyi and Paula Knipe

Guest Editors