



*executive committee of  
the directing council*

PAN AMERICAN  
HEALTH  
ORGANIZATION

*working party of  
the regional committee*

WORLD  
HEALTH  
ORGANIZATION



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HEALTH LEGISLATION

Pursuant to Resolution XXIII of the XVII Meeting of the Directing Council, the Director submitted a preliminary report on the relations of health to law to the 59th Meeting of the Executive Committee. That Committee recommended to the XVIII Meeting of the Directing Council that it approve the preliminary report of the Director of the Bureau on the relations between health and law and requested him to submit a report on the problem to the XVIII Pan American Sanitary Conference including a revision of the Pan American Sanitary Code. These suggestions were adopted by the Special Meeting of Ministers of Health held in Buenos Aires in October 1968. The Ministers recommended:

- "1) That Governments - even though some have begun or are beginning to modernize their health legislation - take the necessary steps to revise their health legislation and keep it abreast of scientific advances as well as the needs of economic and social development. Such legislation should contain provisions relating to the individual and collective right to health.
- 2) That careful studies be made and appropriate steps be taken to achieve a degree of uniformity in national health legislation or sufficient flexibility to ensure international cooperation.
- 3) That PAHO arrange for a thorough study to be made of the Pan American Sanitary Code in the light of advances in science and technology, existing problems, and the effects of social and economic development. Such a study should decide whether or not it is desirable to replace or modify the Code to provide a flexible instrument which can be periodically brought up to date and thus be brought into accord with national and international legal instruments concerned with health and development."

In response to the recommendations of the Governing Bodies the following measures have been taken:

- An examination of health legislation of the countries in order to bring out its salient characteristics, its development, and the subjects covered by it and to evaluate its future trends and prospects. The information collected will permit a comparative study to be made of the main features of this legislation.
- A study of the Pan American Sanitary Code in relation to national and international legislation in force in the Continent, in the light of scientific and technical advances and the needs of economic and social developments.

To keep the Committee abreast of the progress of this study, the detail of the measures taken or to be taken to implement these above-mentioned recommendations is given below.

The first phase of the study of health legislation covers information available for the period 1948-1966 for the following twenty countries: Argentina, Bolivia, Brazil, Chile, Colombia, Costa Rica, Cuba, Dominican Republic, Ecuador, El Salvador, Guatemala, Haiti, Honduras, Mexico, Nicaragua, Panama, Paraguay, Peru, Uruguay and Venezuela. The legal systems of these countries are comparable since they have a common origin.

Three types of legislation have been studied: constitutions, special legislation, and penal codes. Most of the constitutions have been reviewed in order to identify provisions relating to health. Special health legislation including health codes has been reviewed. Finally, the chapters of the penal codes relating to health have been examined. In the case of countries with federal constitutions, only federal legislation has been examined, since to study the state laws as well would overcomplicate matters. So far, a descriptive analysis has been made of each subject area, and pertinent considerations have been formulated.

Shortly the study will focus on common features of health legislation in the English-speaking countries of the Americas. As in the case of Latin American countries, in countries with a federal system, state laws will not be dealt with.

As soon as a general review has been made of health legislation in the countries of the Continent, the Pan American Sanitary Code will be analysed in detail in accordance with Recommendation No. 3 of the Special Meeting of Ministers of Health.

These studies will make it possible in due course to compile a catalogue of the health legislation of the Americas.

The study on health legislation and that on the Pan American Sanitary Code are planned to be ready in time for submission to the Pan American Sanitary Conference.