

The Use of Law to Address Noncommunicable Diseases in the Caribbean



Subregional Workshop Summary Report

Miami, the United States of America, 3–5 March 2020

PAHO



OVERVIEW

The Subregional Workshop¹

was attended by

44 PARTICIPANTS
with varied professional profiles

REPRESENTING

10 CARIBBEAN COUNTRIES

as well as
KEY SUBREGIONAL and INTERNATIONAL PARTNERS

The participants of the Subregional Workshop on the Use of Law to Address Noncommunicable Diseases in the Caribbean.



The Pan American Health Organization (PAHO) and the International Legal Consortium (ILC) from the Campaign for Tobacco-Free Kids (CTFK), with support from the European Union, convened a three-day **Subregional Workshop on the Use of Law to address Noncommunicable Diseases in the Caribbean** on 3–5 March 2020 in Miami, the United States of America. This Subregional Workshop sought to build capacity to advance the use of laws and regulations to address noncommunicable diseases (NCDs) and their risk factors in the Caribbean, with special emphasis on tobacco control, reduction of the harmful use of alcohol, and obesity prevention.

DAY 1

- ▶ Established the situation in the Caribbean in relation to noncommunicable diseases (NCDs) and their risk factors.
- ▶ Focused on the use of law to address NCD risk factors, namely tobacco control, the harmful use of alcohol and obesity prevention.



DAY 2

- ▶ Addressed the specific ways in which laws can be or have been used to tackle NCDs, such as the use of human rights law, trade law and investment law.
- ▶ Examined the various legal interventions to tackle NCDs, such as labelling measures and marketing restrictions.



DAY 3

- ▶ Considered the opportunities to advance the use of law to prevent and control NCDs and their risk factors.
- ▶ Engaged participants in working groups which were representative of some of the NCD risk factors.
- ▶ Garnered agreement on key elements for a Caribbean Public Health Law Forum, which would facilitate continued collaboration, communication and engagement on NCDs, law, and related matters.



Full Subregional Workshop Report available here:
<https://iris.paho.org/handle/10665.2/53821>

NCDs and their four shared risk factors (tobacco use, harmful use of alcohol, unhealthy diet, and physical inactivity) remain leading causes of mortality, morbidity and disability in the Caribbean. Despite the adoption of several global, regional and subregional mandates in response, the Caribbean subregion still lags behind in terms of implementation of policies that require regulatory action. In this context, the use of law has a central role to play. Ten of the 16 World Health Organization (WHO) **“Best Buys”** require the effective use of laws or regulations. Moreover, the tobacco control **“Best Buys”** are also part of the WHO Framework Convention on Tobacco Control (**WHO FCTC**), a legally binding international public health treaty that sets out obligations on Parties to implement proven, cost-effective tobacco control measures. All Caribbean PAHO/WHO Member States (except Haiti) are parties to the WHO FCTC. Furthermore, Caribbean PAHO/WHO Member States, having ratified various other international treaties that recognize the right to health, have legal obligations to bring their domestic legislation and practices into line with these treaties, among other obligations. The Subregional Workshop therefore reinforced the importance of law, including the **Revised Treaty of Chaguaramas**, to address NCDs.

¹ Details about the Subregional Workshop on the use of Law to Address Noncommunicable Diseases, 3–5 March, 2020 available from: <https://www.paho.org/en/subregional-workshop-use-law-address-noncommunicable-diseases-march-3-5-2020>

WORKSHOP HIGHLIGHTS KEY MESSAGES

TOBACCO CONTROL AND THE LAW

TOBACCO CONTROL EFFORTS IN THE CARIBBEAN SUBREGION CONTINUE TO LAG.



Comprehensive smoke-free environments are **COST-EFFECTIVE MEASURES WITH SHORT-TERM HEALTH BENEFITS** that increase over time. These measures do not negatively impact on businesses or the economy.

There is **NO SAFE LEVEL OF EXPOSURE TO TOBACCO SMOKE**; therefore, only comprehensive smoking bans for all indoor public and working places would be effective.

Drafting effective **100% SMOKE-FREE LEGISLATION** should include **ADEQUATE DEFINITIONS**, and **COMPLETE SMOKING BANS** in indoor workplaces, public transport, indoor public places and, as appropriate, other public places, **PLACE DUTIES OF COMPLIANCE ON THE PERSON RESPONSIBLE FOR THE PREMISES, SPECIFY THE INSPECTION AUTHORITIES, THE ENFORCEMENT AND PENALTIES APPLICABLE.**



The WHO FCTC provides **EVIDENCE-BASED DEMAND AND SUPPLY REDUCTION MEASURES** that should be used to address the tobacco epidemic.

Global, regional and subregional mandates provide **AN OPPORTUNITY TO ACCELERATE THE IMPLEMENTATION** of the WHO FCTC.



THE LAW AND HARMFUL USE OF ALCOHOL

Alcohol is a key **RISK FOR PUBLIC HEALTH BEYOND NCDs**, including violence, injuries, maternal and child health, adolescent health, and mental health.

There are many similarities between alcohol, tobacco, sugar sweetened beverages, and ultra-processed foods in terms of the **POLICIES NEEDED TO REDUCE THEIR CONSUMPTION**, as well as the role of related industries in interfering with their development or implementation.

SAFER

The **WHO SAFER** is a core set of proven alcohol policies that can effectively reduce the harmful use of alcohol nationally and serve as **COMMON LANGUAGE FOR REGIONAL COOPERATION.**

Each country can commit to the adoption of a national plan with an assigned budget and activities to achieve progress on reducing alcohol related harms due to NCDs, injuries, mental health, and infectious diseases. Such plans should include at least one of the WHO "Best Buys" and one "good buy" from the WHO SAFER. All 5 policy areas of SAFER combined offer the most reduction in alcohol harms.

NUTRITION AND THE LAW

DEMAND AND SUPPLY REDUCTION POLICIES to reduce processed and ultra-processed food and drink products, including breast-milk substitutes, are necessary to curb the obesity and NCD epidemics. These policies may include: (1) **regulation of labelling** (front-of-package warning labelling [FOPWL]) and elimination of persuasive elements; (2) **restriction of marketing**; and (3) **regulation of school environments** and other settings.

Policies and standards at the global and regional level must be given effect through national legislation and must be seen through to **APPROVAL AND IMPLEMENTATION.**

Existing **OPPORTUNITIES AND EXAMPLES** for adopting nutrition policies at the country and subregional level in the Caribbean include:

- ▶ The revision of the **CARICOM Regional Standard Specification** for labelling of pre-packaged foods, including FOPWL, by the CARICOM Regional Organisation for Standards and Quality (CROSQ);
- ▶ Suriname's national legislation of the **International Code of Marketing of Breast-milk Substitutes** is the first such legislation in the English-speaking Caribbean at this level and should be emulated;
- ▶ Use of different processes in developing of policies for **regulating the school environment**, as done in **Grenada and Trinidad and Tobago.**



NCD risk factors

CARIBBEAN PUBLIC HEALTH LAW RESEARCH AND FORUM

Member States may **SEEK ADVISORY OPINIONS** of the **Caribbean Court of Justice (CCJ)** in relation to the health measures that they are interested in taking, especially if such measures are likely to experience push-back from the industry.

Consideration should be given to the **FORMATION OF PUBLIC INTEREST GROUPS FOR THE USE OF LAW TO TACKLE NCDs**

A Caribbean Public Health Law Forum, initially focused on NCDs and their risk factors, can be used to provide a **SPACE FOR CONTINUED COMMUNICATION, ENGAGEMENT AND COLLABORATION.**

Such a **Forum**, guided by its objectives, should be **OPEN TO MEMBERS FROM VARIOUS PROFESSIONAL PROFILES AND AFFILIATIONS**, such as government officials, regional institutions, attorneys-at-law, health officials, civil society organizations, and academia.

Common CHALLENGES

Industry interference, lack of political will, and competing priorities.

Common OPPORTUNITIES

Readily available evidence, global, regional and subregional mandates, and knowledge-sharing.



This summary report provides a synopsis of the key messages and the agreed set of strategic actions to advance the enactment, implementation, and enforcement of NCD risk factor policies through laws and regulations in the Caribbean at the country and regional levels.

It should be read together with the [full Subregional Workshop Report](#).

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