

# Using Law in Support of NCD Prevention and Control in CARICOM

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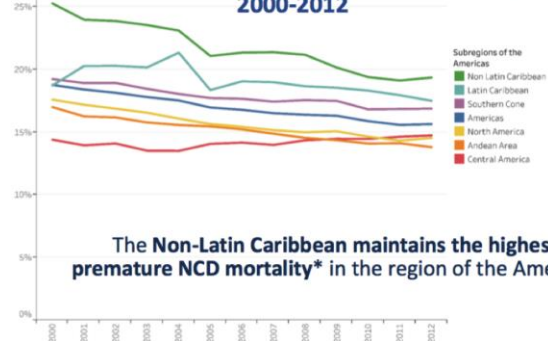
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# CONTEXT

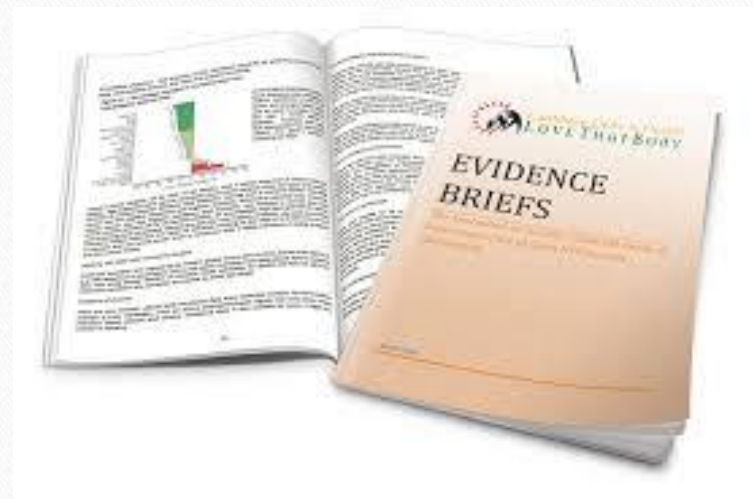
Premature NCD mortality\* trends in the Americas, by subregion  
2000-2012



The Non-Latin Caribbean maintains the highest premature NCD mortality\* in the region of the Americas

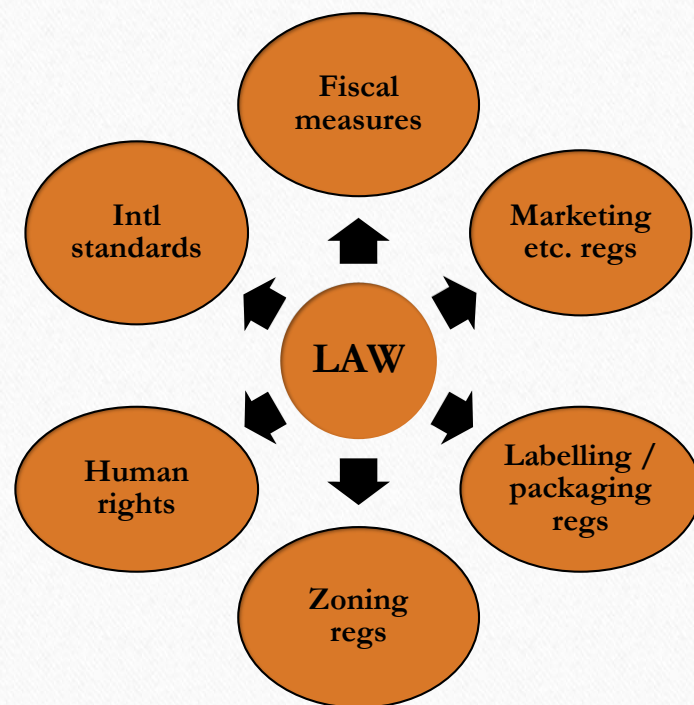
\* Premature mortality defined as unconditional probability of dying between 30-70 years of age from the 4 major NCDs, 2012  
Source: Regional Mortality Information System. Pan American Health Organization.

Source: PAHO



# ROLE OF LAW IN NCD PREVENTION AND CONTROL

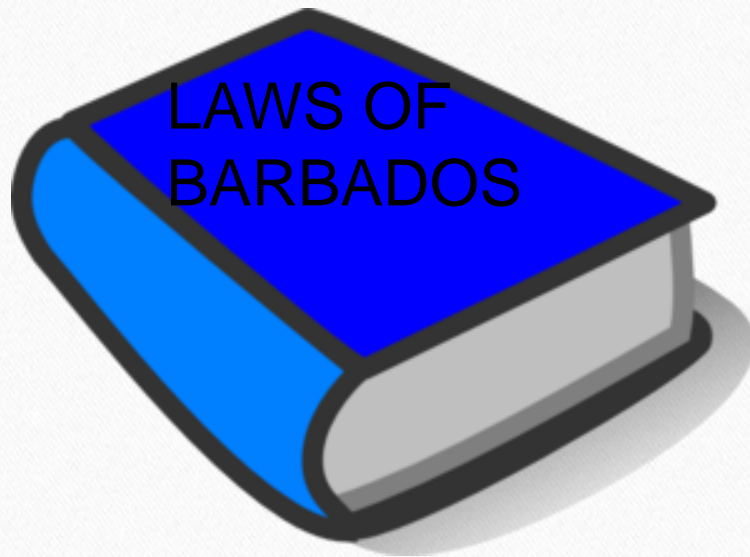
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# LEGAL TOOLS FOR NCDs PREVENTION & CONTROL

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# GENERAL COMMENT

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- CARICOM governments generally seem to prefer ‘soft’ approaches to NCDs prevention and control.
- This attitude may be influenced by:
  - Financial and personnel constraints;
  - An already heavy legislative agenda;
  - The special role of the private sector/industry within Caribbean societies (‘partners’ with government; drivers of socio-economic development).

# BENEFITS OF LEGAL VS 'SOFT' APPROACHES TO NCDs PREVENTION & CONTROL

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- Binding nature.
- Enforcement / sanctions (ensuring compliance).
- Broad coverage of all relevant market actors.
- (Usually) stringent criteria, clear objectives and outcome measures.
- Difficult to change / reverse.
- Greater political accountability.



# REGIONAL EXAMPLES

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- **LEGISLATIVE APPROACHES TO TOBACCO CONTROL**

- Suriname / Guyana

- ❖ Two of the strongest pieces of tobacco control legislation within CARICOM

- Graphic warnings

- Bans on advertising (across a broad scope of media)

- Tackling illicit trade.

# REGIONAL EXAMPLES

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- Jamaica

- ❖ National Health Fund Act makes provision for a portion of the monies collected from taxes on tobacco and alcohol to be paid into the National Health Fund.





# REGIONAL EXAMPLES

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- **LEGISLATIVE APPROACHES TO OBESITY/DIET**

- Barbados

- ❖ Tax of 10% on local and imported SSBs identified by their tariff headings.

- Dominica

- ❖ Tax of 10% on local and imported high sugar food and beverages (identified by their tariff headings).

# REGIONAL EXAMPLES

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- CARICOM initiative re front of pack labelling standard
  - ❖ Being led by CROSQ (CARICOM Regional Organisation for Standards and Quality)
  - ❖ Outcome would still need to be translated into national legislation.
- Key missing piece of the puzzle
  - Regulation of marketing of unhealthy food and beverages to children.

# LITIGATION POSSIBILITIES

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- Right to health reflected in several international instruments to which the region belongs: duty to act???
- Avenues available at the international level within the Inter-American and United Nations human rights regimes to put pressure on governments to act.



# LITIGATION POSSIBILITIES

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- Right to health within national Constitutions in Suriname and Haiti.
- Right to health under the Revised Treaty of Chaguaramas???

# CONCLUDING COMMENTS

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- Law is a powerful tool, but it is just one tool in the NCDs toolkit.
- Law alone cannot cure the region's NCDs epidemic. It needs to be accompanied by and supported with other measures such as public education and engagement if we are to see real behavioural change. e.g Barbados vs Mexican approach to SSB taxation; 'Drink yourself sick' Jamaica campaign.

# CONCLUDING COMMENTS

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- Also need a strong and inclusive consultative process as well as adequate resources for effective implementation, monitoring and enforcement.



THANK YOU!!!

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**THE END**

Nicole D. Foster, April 23, 2018