“The Future Talks”
COVID-19 and NCDs in the Caribbean: The Legacy - Policy Environment

Kimberley Benjamin
Law Student | Hugh Wooding Law School
July 24, 2020
The role of a strong regulatory environment to prevent and manage NCDs

A strong regulatory environment includes a suite of legal, regulatory and other measures which are:

✓ Evidence-based
✓ Multi-sectoral
✓ Cost-effective
✓ Rights-based
✓ Targeted to population as a whole

Modifiable shared NCD-risk factors and environmental-risk factors

✓ Fiscal measures, e.g. increasing excise taxes on tobacco, alcoholic beverages, unhealthy foods, subsidies on healthy foods
✓ Improving labelling and Labelling controls e.g. use of FOPL, health warnings on tobacco and alcohol products
✓ Bans/Restrictions on the sale and marketing of tobacco, unhealthy foods and beverages (especially to children and in schools)
✓ Bans on trans fat
✓ Measures to reduce salt in foods e.g. disclosure requirements, promoting product reformulations
✓ Bans/Restrictions on tobacco and alcohol advertising, promotion and sponsorship
✓ Measures which address the built environment
In 2016, Chile implemented the Law of Food Labelling and Advertising (Law No. 20,606) or the “Super 8 Law” which addresses front of pack labelling (“FOPL”), banning the sale of unhealthy foods at or in the vicinity of schools and restricting advertising aimed at children.

“This observed decrease is greater than purchase changes that have been observed following implementation of single, standalone policies in Latin America, such as a sugar-sweetened-beverage tax.” (Lindsey Smith Taillie et al, 2020).

Average per capital daily volume of high-in beverage purchases declined by 27 mL/capita/day.
The Rights of the Child and the Role of Government in relation to those rights

<table>
<thead>
<tr>
<th>Rights of the Child</th>
<th>Role of Governments</th>
</tr>
</thead>
<tbody>
<tr>
<td>Convention on the Rights of the Child (&quot;CRC&quot;)</td>
<td>15 CARICOM Member States and 4 Associate Members have ratified the CRC</td>
</tr>
<tr>
<td>CRC Article 24: “the right of the child to the enjoyment of the highest attainable standard of health...”</td>
<td>General Comment No. 15 (2003) from the Committee on the Rights of the Child</td>
</tr>
</tbody>
</table>
General Comment No. 15

47. States should also **address obesity in children**, as it is associated with hypertension, early markers of cardiovascular disease, insulin resistance, psychological effects, a higher likelihood of adult obesity, and premature death. **Children’s exposure to “fast foods” that are high in fat, sugar or salt, energy-dense and micronutrient-poor, and drinks containing high levels of caffeine or other potentially harmful substances should be limited.** The marketing of these substances – especially when such marketing is focused on children – should be regulated and their availability in schools and other places controlled.
# Implementation of a comprehensive policy package

## The Caribbean today
- **Bans/restrictions on the sale of SSBs in schools** exist in Bermuda (2006), Trinidad and Tobago (2017), The Bahamas (2019), Jamaica (2019) whilst Grenada, Guyana and Belize have announced similar intentions.

- **Taxes on SSBs in 3 of 20 CARICOM States** imposed in Barbados (10%), Bermuda (75%) and Dominica (10%). Antigua and Barbuda (2019) and St. Kitts and Nevis (2019) expressed an intention to tax SSBs.

- **Other secondary policies** present in some CARICOM states.

## Some limitations to a comprehensive policy package
- Restrictions on [marketing](#) of SSBs (and unhealthy foods) are not included;
- **Bans/restrictions on unhealthy foods** have not been included in the majority of policies (only The Bahamas);
- **Limited regulation**, if any, of the environment in the vicinity of the school;
- SSBs taxes still not high enough (20%) in all instances and were not coupled with other interventions, such as FOPL or bans on the sale/marketing of SSBs in schools.

## Risks & Opportunities
### Risks
- Effect on States’ trade and investment obligations, e.g. violations of the Technical Barriers to Trade Agreements (Art. 2.2).
- **Conflict of interest.**
- COVID-19 economic challenges.

### Opportunities
- Greater opportunity of reaching/coming close to various global targets, i.e. 25 by 25; SDG 3;
- Engagement with several stakeholders, including children, parents, the media, academic researchers, CSOs, NGOs and private sector, as appropriate.
The Importance of the “Built” Environment

The environmental risks to health include pollution, land use patterns, work environment, climate change, *inter alia*.

The “built” environment impacts:

- **physical activity**: the layout and design of roads, urban design and the presence of suitable parks or other spaces can promote or hinder physical activity;
- **access to healthy foods**: in terms of the location and type of foods;
- **mental health**: and
- **climate change**.

A comprehensive NCD prevention and management policy package should therefore also address access to safe outdoor spaces like parks for exercise, reduce exposure to environmental hazards and pollution.

Improving the “built” environment is essential to achieving SDG 3 (health) and is also linked to SDG 7 (energy), SDG 11 (sustainable cities) and SDG 12 (consumption and production).
“Build Back” Better Recommendations

- **Youth**: greater and more meaningful involvement of youth, including PLWNCDs at the national level in decision-making processes and policy formulation during and post-COVID-19.

- **Government**: implement a comprehensive policy which addresses both COVID-19 and NCDS; health should be included in all policies going forward together with greater multi-sectoral collaboration (trade, tourism, agriculture, environment, education, etc.); invest in building legal capacity to revise and implement health laws and health-related laws; incentivise the creation of more home and school gardens;

- **CSOs**: leverage the narratives of PLWNCDs during COVID-19 to advocate for NCDs to be included as part of the COVID-19 response and for the implementation of health-in-all policies going forward;

- **Academia**: regional tertiary educations, such as the University of the West Indies should include Health Law within the curriculum.