

## “Subregional Workshop on the Use of Law to address Noncommunicable Diseases in the Caribbean”

Miami, Florida, 3-5 March 2020

### CONCEPT NOTE

#### 1. Background

##### The Burden of NCDs in the Caribbean: An economic and development challenge

- In the Caribbean, noncommunicable diseases (NCDs) – cardiovascular diseases, diabetes, cancer, and chronic respiratory diseases – and their four shared risk factors (RFs) – tobacco use, harmful use of alcohol, unhealthy diet, and physical inactivity – remain leading causes of mortality, morbidity and disability.
- In 2016, NCDs were responsible for 76.8% of all deaths in the Caribbean. Moreover, 38.1% of all NCD deaths occurred in persons under 70 years of age, and people in the Caribbean had the highest probability of dying prematurely from any of the 4 major NCDs (i.e. between the ages of 30 and 70 years), compared to other subregions of the Americas. An overview of the prevalence of the major NCD RFs is presented in *Annex 1*, for the Caribbean and the Americas<sup>1</sup>.
- This burden results in losses in household income, productivity and reduced gross domestic product (GDP). As an example, the Pan American Health Organization (PAHO) in collaboration with Harvard University has estimated that NCDs and mental health conditions will lead to a US\$17 billion loss in Jamaica, equivalent to an annual reduction of 3.9% of GDP, over the 15-year period from 2015 to 2030<sup>2</sup>. This economic impact is particularly challenging for Small Island Developing States, where NCDs have the potential to reverse developmental and economic gains; while the rising costs of health services associated to NCDs threaten the achievement of Universal Health.

##### Global, regional and subregional commitments to address NCDs

- In response to this situation, there has been a growing number of global, regional and subregional mandates to tackle NCDs and their RFs. The Heads of Government of the Caribbean Community (CARICOM) convened the first NCD summit in the world in September 2007 and signed the *Port of Spain Declaration (POSD): Uniting to Stop the Epidemic of Chronic NCDs*<sup>3</sup> establishing a series of recommendations and commitments to achieve its goals.
- Following the 2007 POSD and the landmark *Political Declaration of the 2011 UN High Level Meeting (UNHLM) on NCDs*<sup>4</sup>, countries endorsed the *World Health Organization (WHO) Global Action Plan for the Prevention and Control of NCDs 2013-2020*<sup>5</sup>, and the *PAHO Regional Plan of*

<sup>1</sup> PAHO/WHO, Noncommunicable Diseases in the Region of the Americas. Facts and Figures. Washington, D.C., United States of America, 2019. Available from: [http://iris.paho.org/xmlui/bitstream/handle/123456789/51483/PAHONMH19016\\_eng.pdf?sequence=6&isAllowed=y](http://iris.paho.org/xmlui/bitstream/handle/123456789/51483/PAHONMH19016_eng.pdf?sequence=6&isAllowed=y)

<sup>2</sup> How can Latin America change the course of its 'NCD tsunami'? Available from: <https://www.weforum.org/agenda/2016/06/is-latin-america-experiencing-a-ncd-tsunami>

<sup>3</sup> CARICOM. Declaration of Port-of-Spain: Uniting to Stop the Epidemic of Chronic NCDs. Available from: <http://bit.ly/1Oj1vFP>

<sup>4</sup> United Nations General Assembly. Political Declaration of the High-level Meeting of the General Assembly on the Prevention and Control of Non-communicable Diseases. 66th Session, A/RES/66/2. Available from: <http://bit.ly/1nzy7fB>

<sup>5</sup> WHO. Global Action Plan for the Prevention and Control of Noncommunicable Diseases, 2013-2020. Geneva: WHO; 2014. Available from: <http://bit.ly/1qFxCya>



*Action for the Prevention and Control of NCDs 2013-2019*<sup>6</sup>. Both action plans call for a 25% relative reduction of premature mortality from NCDs by 2025, putting forth a set of very cost-effective and feasible interventions, the so-called WHO “Best Buys”, which were updated and adopted by the World Health Assembly in May 2017<sup>7</sup> (*Annex 2*).

- In 2015, NCDs became part of the *Sustainable Development Goals (SDGs)*. SDG goal 3.4 includes a target related to reducing premature mortality from NCDs by one third by 2030<sup>8</sup>; and explicitly requests strengthening the implementation of the WHO Framework Convention on Tobacco Control (WHO FCTC)<sup>9</sup>.
- Furthermore, countries have adopted a set of 18 indicators to report progress to the UN Assembly on the realization of their commitments<sup>10</sup>, including at the *Third UN High-level Meeting on NCDs* held in September 2018, which resulted in 13 new steps to tackle NCDs and an expanded agenda to include mental health disorders and air pollution<sup>11</sup>.
- The WHO *Best Buys* and other effective policy options are also part of a series of specific mandates adopted by Member States to address NCD RFs, including, but not limited to: the *Plan of Action for the Prevention Obesity in Children and Adolescents (2014-2019)*<sup>12</sup>, the *Strategy and Plan of Action to Strengthen Tobacco Control in the Region of the Americas (2018-2022)*<sup>13</sup>, the *Plan of Action to Reduce the Harmful Use of Alcohol (2010-2021)*<sup>14</sup>, and the *Plan of Action for the Elimination of Industrially Produced Trans-Fatty Acids (2020-2025)*<sup>15</sup>, among others.
- These global and regional mandates and recommendations have been repeatedly reflected and reinforced by CARICOM. Notably, at the XXXVII Meeting of the Conference of Heads of Government a renewed mandate to combat NCDs was issued, promoting specific actions against tobacco, sugar, salt and trans-fat reduction, public education in schools. [*to adopt 100% smoke-free public spaces, implement the COTED ratified standard for tobacco labelling, and implement a regulatory regime for compulsory food labelling of all commercially manufactured goods. They also requested Member States to reduce the marketing of harmful foods and beverages to children; support harm reduction by taxation of tobacco, alcohol, salty, sugary and trans-fats containing foods, and consider the inclusion of nutrition education in school curricula, emphasise the importance of public education and physical exercise, and re-examine the promotion of regional sufficiency in indigenous foods*]<sup>16</sup>.

<sup>6</sup> PAHO. Plan of Action for the Prevention and Control of NCDs in the Americas 2013–2019. Washington, DC: PAHO; 2014. Available from: <http://bit.ly/2fDtOnk>

<sup>7</sup> WHO. “Best Buys” and other recommended interventions for the prevention and control of NCDs. Available from: <http://bit.ly/2r9IzUC>

<sup>8</sup> United Nations. Transforming our world: the 2030 Agenda for Sustainable Development. New York: UN; 2015. Seventieth session (Document A/RES/70/1). Available from: <http://bit.ly/1Epf648>

<sup>9</sup> WHO Framework Convention for Tobacco Control. Available from: <http://bit.ly/113ffUe>

<sup>10</sup> WHO. Preparation for the third High-level Meeting of the General Assembly on the Prevention and Control of NCDs, to be held in 2018. Geneva: WHO; 2016. Executive Board 140<sup>th</sup> Session (Document EB 140/27) Available from: <http://bit.ly/2jyrxqU>

<sup>11</sup> Third United Nations High Level Meeting on NCDs. Available from: <https://www.who.int/ncds/governance/third-un-meeting/en/>  
<sup>12</sup> [https://www.paho.org/hq/index.php?option=com\\_content&view=article&id=11373:plan-of-action-prevention-obesity-children-adolescents&Itemid=4256&lang=en](https://www.paho.org/hq/index.php?option=com_content&view=article&id=11373:plan-of-action-prevention-obesity-children-adolescents&Itemid=4256&lang=en)

<sup>13</sup> <http://iris.paho.org/xmlui/handle/123456789/34199>

<sup>14</sup> <http://iris.paho.org/xmlui/bitstream/handle/123456789/4653/CE148-11-e.pdf?sequence=1&isAllowed=y>

<sup>15</sup> [https://www.paho.org/hq/index.php?option=com\\_docman&view=document&alias=49612-cd57-8-e-poa-trans-fatty&category\\_slug=cd57-en&Itemid=270&lang=en](https://www.paho.org/hq/index.php?option=com_docman&view=document&alias=49612-cd57-8-e-poa-trans-fatty&category_slug=cd57-en&Itemid=270&lang=en)

<sup>16</sup> Communiqué issued at the conclusion of The Thirty-Seventh Regular Meeting of the Conference of Heads of Government of the Caribbean Community, 4-6 July 2016, Georgetown, Guyana. Available from: <http://bit.ly/2wSEKwJ>

- Additionally, the growing epidemic of childhood obesity has been recognized as a priority by both the CARICOM Council for Trade and Economic Development (COTED) and the Council of Health and Social Development (COHSOD), and in November 2015, COTED considered a 6-point policy package to address childhood obesity. More recently, the COHSOD and COTED held a joint meeting in November 2019 aimed at enhancing policy coherence with a focus on the harmful use of alcohol and unhealthy diets<sup>17</sup>.

### The role of law in curbing the NCD epidemic

- In this context, the use of law has an undeniable central role to play: 10 of the 16 WHO “Best Buys” require the effective use of law or regulations. Moreover, the tobacco control *Best Buys* are also part of the WHO FCTC, a legally binding international public health treaty that sets out obligations on Parties to implement proven, cost-effective tobacco control measures. It is important to note that all Caribbean PAHO/WHO Member States are Parties, except for Haiti.
- Furthermore, the role of law in advancing health topics was unanimously recognized by PAHO Member States, including Caribbean countries, through the adoption a *Strategy for Health-Related Law*<sup>18</sup> in September 2015. The strategy urges Member States to promote the formulation, implementation or review of their legal and regulatory frameworks, policies and other legal provisions, as appropriate, taking a multisectoral approach to address health determinants, health promotion throughout the life course, the reduction of risk factors and disease prevention, as well as the primary health care approach through participatory processes with the communities.

### Status of implementation in the Caribbean and opportunities to accelerate progress

- Recent evaluations of both the POSD<sup>19</sup> and the WHO progress indicators<sup>20</sup>, show that Caribbean Wellness Day, public awareness campaigns for diet and/or physical activity, and NCD risk factor surveillance are the areas of highest implementation, while NCD and RF policies that require regulatory actions from governments tend to lag behind<sup>21</sup>.
- Although progress remains insufficient, there are examples of best practices in the Caribbean that can be shared and scaled-up, including taxation of sugar sweetened beverages (SSBs) in Barbados, a ban on the sale of SSBs in schools in Trinidad and Tobago, The Bahamas and Grenada, as well as progress with tobacco control legislation in several countries such as Antigua and Barbuda, Barbados, Guyana, Jamaica, Suriname and Trinidad and Tobago.
- Additionally, there are numerous technical packages and tools available to support Member States’ efforts and commitments. Some examples include MPOWER<sup>22</sup> (tobacco control),

<sup>17</sup> <https://today.caricom.org/2019/10/30/coted-cohsod-focus-on-reducing-ncds/>

<sup>18</sup> Strategy on Health-Related Law. Available from: <http://iris.paho.org/xmlui/bitstream/handle/123456789/4633/CE154-20-e.pdf?sequence=1&isAllowed=y>

<sup>19</sup> Evaluation of the 2007 CARICOM Heads of Government Port of Spain NCD Summit Declaration. Available from: <http://bit.ly/2svA8IW>

<sup>20</sup> WHO. NCD Progress Monitor 2017. Available from: <http://bit.ly/2xiqchc>

<sup>21</sup> PAHO. Progress monitoring in the region of the Americas. Available from: [https://www.paho.org/hq/index.php?option=com\\_content&view=article&id=13683:ncds-progress-monitor-2017-results-for-the-americas-region&Itemid=42426&lang=en](https://www.paho.org/hq/index.php?option=com_content&view=article&id=13683:ncds-progress-monitor-2017-results-for-the-americas-region&Itemid=42426&lang=en)

<sup>22</sup> <https://www.who.int/tobacco/mpower/publications/en/>



REPLACE<sup>23</sup> (elimination of industrially produced trans fats), SHAKE<sup>24</sup> (salt reduction), or SAFER<sup>25</sup> (reduction of the harmful use of alcohol), among others.

- Lastly, there are ongoing efforts to foster intersectoral collaboration between Health and Legal Affairs and increase awareness and capacity building among legal officers on NCD related topics. In October 2017, PAHO convened a “*Subregional Workshop on Law and NCDs for Caribbean countries*”<sup>26</sup> in Kingston, Jamaica, bringing together for the first time Ministries of Health, Ministries of Legal Affairs, Attorney General’s Offices (AGOs), Chief Parliamentary Counsels, the CALCA and others, to discuss the use of law to address NCDs, including tobacco control. As a result of this workshop, participants requested PAHO to facilitate a mechanism for continued interaction and communication on the topic. In addition, the workshop led to a “*High-Level meeting on the use of Law to tackle NCDs*”<sup>27</sup> co-hosted by PAHO, the Food and Agriculture Organization (FAO) and CALCA, on 10 March 2018 in Port of Spain, Trinidad. This High-Level meeting convened judges of the Caribbean Court of Justice, relevant CARICOM bodies and institutions, key policy makers, including the chairs of the COHSOD and the COTED, subregional partners, and international organizations, and resulted in a meeting statement and a set of agreed priority actions, including a proposal to establish of a Caribbean Network of legal officers.
- Against this background, the proposed *Subregional Workshop* aims to bring together officials from the Ministries of Health and Legal Affairs of Caribbean PAHO/WHO Member States, the Caribbean Court of Justice Academy of Law (CALCA) and other relevant CARICOM bodies and institutions, civil society, academia and international organizations to build capacity for the use of law as a powerful tool to address NCDs and their risk factors in the Caribbean, with a focus on tobacco control, harmful use of alcohol, and obesity prevention laws and regulations. It will also aim to set the basis for a Caribbean Network of Legal Officers. The Workshop will be convened by PAHO in collaboration with the International Legal Consortium (ILC) from the Campaign for Tobacco-Free Kids (CTFK). It will be informed by and build upon the priorities identified during the 2017 “*Subregional Workshop on Law and NCDs for Caribbean Countries*” and the 2018 “*High-Level meeting on the use of Law to tackle NCDs.*”

<sup>23</sup> <https://www.who.int/nutrition/topics/replace-transfat>

<sup>24</sup> <https://www.who.int/dietphysicalactivity/publications/shake-salt-habit/en/>

<sup>25</sup> [https://www.who.int/substance\\_abuse/safer/en/](https://www.who.int/substance_abuse/safer/en/)

<sup>26</sup> <https://untobaccocontrol.org/kh/legal-challenges/jamaica-sub-regional-training-law-non-communicable-diseases/>

<sup>27</sup> High-Level Meeting on the Use of Law to tackle Noncommunicable Diseases: A critical step to accelerate progress in the Caribbean. Meeting Report (Port of Spain, 10 March 2018). Available from: <https://bit.ly/2Jy75aD>



## 2. Purpose

The purpose of this *Subregional Workshop* is to build capacity to advance the use of laws and regulations to address NCD RFs in the Caribbean, with special attention to tobacco control, reduction of the harmful use of alcohol and obesity prevention.

## 3. Objectives

The specific objectives of the *Subregional Workshop* are:

1. To familiarize participants with the key mandates in global and regional governance of NCDs and their RFs, the public health rationale behind them, and the use of law as a powerful tool in the prevention and control of NCDs;
2. To map the legal environment for NCDs and NCD RFs policies in the Caribbean, and analyse their design, implementation and enforcement;
3. To share international best practices on the regulation of RFs and their interaction with trade and investment policies;
4. To facilitate intersectoral coordination between the health and legal sectors, aimed at fostering the effective regulation for the prevention and control of NCDs and their RFs;
5. To contribute to building capacity at the subregional level on the use of law for NCD and NCD RFs prevention and control and establish a mechanism for continued interaction and communication on the topic; and
6. To discuss and agree on strategic actions to advance the enactment, implementation and enforcement of NCD and NCD RFs related laws and regulations in the Caribbean.

## 4. Expected outcomes

1. Participants will be familiarized with the public health background for laws and regulations related to NCDs and their RFs;
2. Participants will have a clear mapping of the situation in the Caribbean in relation to NCDs and their RFs;
3. Participants will be familiarized with best practices in the use of law to regulate and control NCD and their RFs;
4. Intersectoral coordination will be facilitated;
5. A set of strategic actions to advance the enactment, implementation and enforcement of NCD RF laws and regulations in the Caribbean; and
6. A Network of Caribbean Lawyers will be established to facilitate continued interaction and communication on NCD-related matters.



## 5. Participants

This Caribbean meeting will take place in Miami, Florida, from 3-5 March 2020. Proposed participants will include:

- Representatives of the Ministries of Health with responsibility for tobacco control, harmful use of alcohol and/or nutrition;
- Chief Parliamentary Counsels and Legal Drafters of the Ministries of Legal Affairs;
- Representatives from the CARICOM Secretariat and relevant CARICOM institutions;
- Representatives from the Organization of Eastern Caribbean States (OECS);
- Academia;
- Civil society;
- Representatives from relevant international organizations working on tobacco control;
- Experts from the International Legal Consortium (ILC) at the Campaign for Tobacco-Free Kids (CTFK);
- WHO advisors in International Trade and Tobacco Control; and
- PAHO/WHO advisors, including NCD Advisors from the Risk Factor Unit of the Noncommunicable Diseases and Mental Health (NMH/RF) Department, the Legal Counsel (LEG) Office, and the Caribbean Subregional Coordination (CSC) Office.

## 6. Preparatory Work:

In preparation for this Caribbean Meeting, participants will be asked to review their ongoing or upcoming NCD RF legislative processes, and to identify technical assistance, evidence needs and opportunities to advance the enactment and/or enforcement of legislation in their countries. Brief guiding questions will be provided in advance to facilitate this preparatory work.



**7. Annexes**

**Annex 1.** Overview of the prevalence of NCD RF in the Caribbean and the Americas.

	Non-Latin Caribbean			Americas		
	Total	Male	Female	Total	Male	Female
Prevalence of current tobacco smoking in adults (%), 2017	...	...	...	15.2	19.3	11.1
Prevalence of current tobacco smoking in adolescents (%), 2016	14.4	16.7	12.1	11.4	12.1	10.5
Alcohol per capita consumption in adults (litres/per person/year), 2018	6.1	9.7	2.6	7.8	12.2	3.6
Prevalence of overweight and obesity in adults (%), 2016	53.2	45.5	60.6	62.5	64.1	60.9
Prevalence of obesity in adults (%), 2016	23.2	14.8	31.0	28.3	25.9	31.0
Prevalence of obesity in adolescents (%), 2016	10.8	10.7	10.9	12.8	14.0	11.5
Prevalence of physical inactivity in adults (%), 2016	31.0	24.7	37.1	39.3	33.1	45.2
Salt intake in adults (grams/day), 2010	6.1	6.6	6.0	8.7	9.4	8.6
Prevalence of raised fasting blood glucose (%), 2014	11.9	9.9	13.7	8.3	8.5	8.1
Prevalence of raised blood pressure (%), 2015	23.1	25.5	20.7	17.6	20.3	14.8

Source:

PAHO/WHO, Noncommunicable Diseases in the Region of the Americas. Facts and Figures. Washington, D.C., United States of America, 2019. Available from:

[http://iris.paho.org/xmlui/bitstream/handle/123456789/51483/PAHONMH19016\\_eng.pdf?sequence=6&isAllowed=y](http://iris.paho.org/xmlui/bitstream/handle/123456789/51483/PAHONMH19016_eng.pdf?sequence=6&isAllowed=y)

Notes:

Non-Latin Caribbean includes: Antigua and Barbuda, Bahamas, Barbados, Dominica, Grenada, Guyana, Jamaica, Saint Kitts and Nevis, Saint Lucia, Saint Vincent and the Grenadines, Suriname, and Trinidad and Tobago.

Definitions of the indicators, methods of estimation and data sources is available on the technical note of the source of the table (NCDs in the Region of the Americas. Facts and Figures. See link above).



**Annex 2. WHO NCD “Best-Buys.”**

Objective	WHO Best Buy
Reduce tobacco use	<ul style="list-style-type: none"> <li>• Increase excise taxes and prices on tobacco products</li> <li>• Implement plain/standardized packaging and/or large graphic health warnings on all tobacco packages</li> <li>• Enact and enforce comprehensive bans on tobacco advertising, promotion and sponsorship</li> <li>• Eliminate exposure to second-hand tobacco smoke in all indoor workplaces, public places, public transport</li> <li>• Implement effective mass media campaigns that educate the public about the harms of smoking/tobacco use and second-hand smoke</li> </ul>
Reduce the harmful use of alcohol	<ul style="list-style-type: none"> <li>• Increase excise taxes on alcoholic beverages</li> <li>• Enact and enforce bans or comprehensive restrictions on exposure to alcohol advertising (across multiple types of media)</li> <li>• Enact and enforce restrictions on the physical availability of retailed alcohol (via reduced hours of sale)</li> </ul>
Reduce unhealthy diet	<ul style="list-style-type: none"> <li>• Reduce salt intake through the reformulation of food products to contain less salt and the setting of target levels for the amount of salt in foods and meals</li> <li>• Reduce salt intake through the establishment of a supportive environment in public institutions such as hospitals, schools, workplaces and nursing homes, to enable lower sodium options to be provided</li> <li>• Reduce salt intake through a behaviour change communication and mass media campaign</li> <li>• Reduce salt intake through the implementation of front-of-pack labelling</li> </ul>
Reduce physical inactivity	<ul style="list-style-type: none"> <li>• Implement community wide public education and awareness campaign for physical activity which includes a mass media campaign combined with other community-based education, motivational and environmental programmes aimed at supporting behavioural change of physical activity levels</li> </ul>
Manage cardiovascular disease and diabetes	<ul style="list-style-type: none"> <li>• Drug therapy (including glycaemic control for diabetes mellitus and control of hypertension using a total risk approach) and counselling to individuals who have had a heart attack or stroke and to persons with high risk (<math>\geq 30\%</math>) of a fatal and non-fatal cardiovascular event in the next 10 years             <ul style="list-style-type: none"> <li>○ Drug therapy (including glycaemic control for diabetes mellitus and control of hypertension using a total risk approach) and counselling to individuals who have had a heart attack or stroke and to persons with moderate to high risk (<math>\geq 20\%</math>) of a fatal and non-fatal cardiovascular event in the next 10 years</li> </ul> </li> </ul>
Manage Cancer	<ul style="list-style-type: none"> <li>• Vaccination against human papillomavirus (2 doses) of 9–13-year-old girls</li> <li>• Prevention of cervical cancer by screening women aged 30–49, either through: (a) Visual inspection with acetic acid linked with timely treatment of pre-cancerous lesions; (b) Pap smear (cervical cytology) every 3–5 years linked with timely treatment of pre-cancerous lesions; (c) Human papillomavirus test every 5 years linked with timely treatment of pre-cancerous lesions.</li> </ul>

Source: WHO. “Best Buys” and other recommended interventions for the prevention and control of NCDs. Available from: <http://bit.ly/2r9IzUC>

Notes: ‘Best buys’ are defined as effective interventions with cost effectiveness analysis  $\leq$  I\$ 100 per Disability-Adjusted Life Year (DALY) averted in Low and lower-middle income countries (LMICs).