



# Joint meeting on NCDs & Law with the Caribbean Public Health Law Forum and on Health Tax Policies

**30 October – 03 November 2023**



## BACKGROUND ON THE ROLE OF LAW IN CURBING THE NCD EPIDEMIC

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.<sup>1</sup> In light of this situation, there has been a growing array of global, regional, and sub-regional initiatives aimed at addressing NCDs and their risk factors. Moreover, there has been a substantial body of research devoted to identifying cost-effective interventions focused on mitigating these NCD risk factors, commonly referred to as the WHO “Best Buys.”<sup>2</sup>



The use of law plays a crucial role in a significant number of “Best Buys” identified by WHO, as these interventions necessitate the effective utilization of legal measures, regulations, and frameworks. Moreover, the tobacco control “Best Buys” are also part of the **WHO Framework Convention on Tobacco Control (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.

<sup>1</sup> The burden of noncommunicable diseases in the Region of the Americas, 2000-2019. ENLACE data portal. Pan American Health Organization, 2021.

<sup>2</sup> World Health Organization. ‘Best buys’ and other recommended interventions for the prevention and control of noncommunicable diseases. Geneva: 2017.

The Caribbean Public Health Law Forum (CPHLF), launched on June 30, 2021 by the Pan American Health Organization (PAHO) and the Caribbean Court of Justice Academy for Law (CAFL) and other Caribbean institutions, was identified as a platform for communication, collaboration and engagement of individuals and institutions working in health and/or legal affairs, to advance the use of law to address noncommunicable diseases and their risk factors.<sup>3</sup>

Furthermore, Small Island Developing States (SIDS) Ministerial Conference on NCDs and Mental Health was just held in June 2023 in Barbados, where Caribbean countries have reaffirmed their commitment to take bold action to accelerate progress on NCDs through the **2023 Bridgetown Declaration**; thus, the meeting on NCDs and Law aligns completely with the committed actions.



## INTERSECTION WITH THE CARIBBEAN WORKSHOP ON HEALTH TAX POLICIES

Tax policies are a critical tool in addressing the NCD burden faced by the Caribbean. **Health taxes are considered win-win-win policies** because they save lives and prevent disease (along with associated health costs), while also advancing health equity and mobilizing additional revenues for a government's general budget. This means health taxes may have the potential to ease some of the current and future pressures on health systems.

The meeting of the **Caribbean Public Health Law Forum** will therefore intersect with the Caribbean Workshop on Tax Policies which proposes to target CARICOM countries that are committed to, or interested in implementing or strengthening health taxes, or that are already at some point along the policy development/reform process for other regulatory measures against NCDs. The overall aim is to build momentum to accelerate the policy process in member states and to build upon the findings and recommendations identified in the 2017 workshop on taxation in the Caribbean with a view to expediting progress in the area and establishing country roadmaps to serve as guiding frameworks for policymakers and stakeholders.

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<sup>3</sup> <https://www.paho.org/en/caribbean-public-health-law-forum>



The workshop will provide countries with the necessary technical tools, evidence, and knowledge to advance health taxation policy in the Caribbean. More specifically, the workshop has the following **3 objectives**:



To continue positioning health taxes as a cost-effective public health measure for the prevention and control of NCDs



To identify technical assistance, evidence needs and opportunities to advance taxation policy in the Caribbean region



To guide country-specific roadmaps to inform policy and implementation decisions

## PARTICIPATING ENTITIES

- CARICOM Member States
- Caribbean Public Health Agency (CARPHA)
- Healthy Caribbean Coalition
- CARICOM Secretariat
- Caribbean Court of Justice Academy for Law
- The University of West Indies, Cave Hill Campus
  - Law and Health Research Unit
- The University of West Indies, St. Augustine Campus
  - Centre for Health Economics
- The University of West Indies, George Alleyne Chronic Disease Research Center
- Global Health Advocacy Incubator
- Campaign for Tobacco Free Kids
- O'Neill Institute for National and Global Health Law,
  - Georgetown University
- McCabe Centre for Law and Cancer
- Pan American Health Organization/World Health Organization (PAHO/WHO)
- World Health Organization (WHO)
- World Bank
- Organization for Economic Co-operation and Development (OECD)
- University of Illinois at Chicago (UIC)
- Adolfo Ibañez University (UAI)
- United Nations Development Programme (UNDP)



# AGENDA

## Joint Meeting on NCDs and Law with the Caribbean Public Health Law Forum and Health Tax Policies

**DAY 1 - 30 October**

**Meeting:** NCDs and Law with the Caribbean Public Health Law Forum

Time	Activity	Speaker
08h30-09h00	Registration	
<b>09h00-09h30</b>	<b>Welcome and Remarks</b>	<b>Moderator: Gloria Giraldo, PAHO</b>
09h03-09h10	Remarks	Dean Chambliss, PAHO/WHO Subregional Programme Coordinator for the Caribbean
09h07-09h13	Remarks	Amalia Del Riego, PAHO/WHO PWR – Barbados and the Eastern Caribbean Countries
09h13-09h20	Remarks	Sir Trevor Hassel, President, Healthy Caribbean Coalition
09h20-09h25	Keynote remarks	The Hon. Mr. Justice Winston Anderson - Judge of the CCJ and Chair of the CCJ Academy for Law
09h25-09h30	Vision of the Caribbean Public Health Law Forum	Shana Cyr-Philbert, Chair, the Caribbean Public Health Law Forum
<b>09h30-11h00</b>	<b>Overview of NCDs and global, regional &amp; sub-regional governance</b>	<b>Moderator: Sheryl Dennis Wright, PAHO</b>
09h30-09h45	The burden of disease and NCD risk factors progress	Gloria Giraldo, PAHO
09h45-10h00	Global governance: Commitments and legal strategies, instruments to prevent and control NCDs (WHO /PAHO)	Ignacio Ibarra, PAHO

Continue next page

## DAY 1 - 30 October

### Meeting: NCDs and Law with the Caribbean Public Health Law Forum

Time	Activity	Speaker
10h00-10h15	Regional governance: the role of the CARICOM Secretariat in advancing the NCD Agenda (having regard to regional frameworks and Commitments on health and NCDs)	Gladys Young, General Counsel CARICOM Secretariat
10h15-10h30	CARPHA Initiatives towards NCDs agenda	Heather Armstrong, CARPHA
10h30-10h45	The role of the Caribbean Court of Justice Academy for Law in accelerating the NCD Agenda	John Coombs, CCJ Academy for Law
10h45-11h00	Q & A	
11h00-11h15	MORNING BREAK (GROUP PHOTO)	
11h15-12h15	Policy Options and instruments	
11h15-11h35	Tobacco and the law: the WHO Framework Convention on Tobacco Control. The WHO FCTC and its Guidelines - Overview of the progress in implementing the FCTC in the Caribbean	Rosa Sandoval & Luciana Severini, PAHO
11h35-11h55	How are tobacco control measures implemented and why: legislation, regulations and/or programs?	Benn McGrady, WHO
11h55-12h15	Warning labels and plain packaging in the tobacco context	Claire Slattery, McCabe Centre for Law & Cancer
12h15-13h15	LUNCH BREAK	
13h15-14h15	<b>Unhealthy diets and obesity</b>	<b>Moderator: Gloria Giraldo, PAHO</b>
13h15-13h35	Human rights approaches: State obligations in the context of unhealthy diets	Isabel Barbosa, O'Neill Institute

Continue next page

## DAY 1 - 30 October

### Meeting: NCDs and Law with the Caribbean Public Health Law Forum

Time	Activity	Speaker
13h35-14h05	Status of implementation of selected policies in the Caribbean [including SHAKE, REPLACE, Obesity Prevention]	Audrey Morris, Luis Galicia, Victor Villalobos, PAHO
14h05-14h25	Complex systems dynamics modeling application to FOPL	Madhuvanti Murphy, Miriam Alvarado, The George Alleyne Chronic Disease Research Centre, UWI
14h25-14h45	Front-of-Package Labeling and other regulations	Fabio Gomes, PAHO
<b>14h45-15h00</b>	<b>AFTERNOON BREAK</b>	
15h00-15h15	Link between FOPL and school nutrition policies	Fabio Gomes, PAHO
15h15-15h30	Technical Recommendations for the Development of Nutrition Standards for Caribbean Schools	Abigail Caleb, CARPHA
15h30-15h55	Parallels between tobacco/food advertising, promotion and sponsorship & regulating digital marketing	Benn McGrady, WHO
15h55-16h15	Regulating the marketing of food and non-alcoholic beverages to children (PAHO)	Fabio Gomes, Audrey Morris, PAHO
16h15-16h35	Opportunities for National implementation of the International Code of Marketing of Breast-milk Substitutes	Audrey Morris, PAHO
16h35-16h45	Q & A	

————— **End of Day 1** —————



## DAY 2 - 31 October

### Meeting: NCDs and Law with the Caribbean Public Health Law Forum

Time	Activity	Speaker
08h30-08h45	Day 1 Recap	PAHO team
08h45-09h10	<b>Comparative litigation: how are measures to prevent or control NCDs typically challenged?</b>	<b>Benn McGrady, WHO &amp; Ignacio Ibarra, PAHO</b>
08h45-09h10	<ul style="list-style-type: none"> <li>• Administrative law: ultra vires and due process</li> <li>• Constitutional law: rights to freedom of expression, to conduct a business and to property against the right to health</li> <li>• Common themes: evidence of impact, proportionality and reasonableness</li> </ul>	
09h10-09h30	Caribbean Domestic legal claims and lessons learned/The Caribbean perspective to litigation	Sheryl Dennis Wright, PAHO
09h30-09h35	Q & A	
09h35-10h15	<b>Addressing Commercial determinants of health and COI in implementing policies</b>	<b>Moderator: Fabio Gomes, PAHO</b>
09h35-09h55	Commercial determinants of health in SIDS - Challenges and opportunities to move forward	Juliet McHardy, WHO
09h55-10h15	Addressing Conflict of Interest in implementing Health policies: What reference can we draw from the Article 5.3 FCTC?	Rosa Sandoval & Sheryl Dennis Wright, PAHO
10h15-10h20	Q & A	
10h15-10h40	(PANEL) Whole of society approach to tackling NCDs: The role and work of nongovernmental entities in effective implementation and enforcement of policy and advocacy	Panel Moderator: Sir Trevor Hassell Panelists: Sir Trevor Hassell, HCC; Kesaundra Alves- GHAI; Daniel Lopez - CTFK; Kimberly Benjamin, O'neill Institute
10h40-11h00	MORNING BREAK	
11h00-12h15	<b>Strengthening your legal position: good regulation is the best defence</b>	<b>Moderator: Sheryl Dennis Wright, PAHO Gladys Young, CARICOM</b>

Continue next page

## DAY 2 - 31 October

### Meeting: NCDs and Law with the Caribbean Public Health Law Forum

Time	Activity	Speaker
11h00-11h20	Trade Law and NCDs - WTO disputes relevant to NCDs; TBT discussions concerning front-of-pack nutrition labelling, Packaging and labelling of alcohol & tobacco products	Benn McGrady, WHO
11h20-11h40	Investment Treaty claims- (case of Philip Morris vs Uruguay and Philip Morris vs Australia)	Suzanne Zhou, McCabe Centre for Law & Cancer
11h40-11h45	Q & A	
11h45-12h05	<b>PANEL - Experiences in NCD risk factor regulation &amp; lessons learned</b>	<b>Moderators: Kesaundra Alves, GHAI &amp; Luciana Severini, PAHO</b>
11h45-12h05	<ul style="list-style-type: none"> <li>• Tobacco Control Policy: Antigua &amp; Barbuda &amp; Suriname</li> <li>• Food and Nutrition Policy: Barbados &amp; Jamaica (tbc)</li> </ul>	
12h05-12h15	Q & A	
12h15-13h15	LUNCH BREAK	
13h15-14h00	<b>THE CARIBBEAN PUBLIC HEALTH LAW FORUM - Advancing the mandate and realizing the vision of the CPHLF</b>	<b>Moderator: Gloria Giraldo, PAHO</b>
13h15-14h00	Policy Status Mapping Exercise (Country representatives & Forum members)	
14h00-16h30	Working group Discussions	Facilitated by WG members/Chair & Vice chairpersons (Co-facilitation by: Nutrition & Tobacco Control Teams, PAHO HQ)
14h00-16h30	Breakout by topic: <ul style="list-style-type: none"> <li>• Food and Nutrition Policy</li> <li>• Tobacco Control Policy</li> </ul>	
16h30-17h00	CLOSING	
16h30-17h00	Plenary overview, Remarks and agreed Next Steps	

————— End of meeting —————

**DAY 3 - 1 November**  
**Meeting: Health Tax Policies**

Time	Activity	Speaker
<b>Chaired by: Guillermo A. Sandoval and Gloria Giraldo</b>		
08h30-09h00	Registration	
09h00-09h45	Opening session	
09h45-10h00	Group picture	
<b>Context and setting the stage</b>		
10h00-10h25	Health taxes as a public health intervention: regional and subregional overview	Rosa Sandoval (PAHO/WHO)
10h25-10h50	Landscape of NCDs and their risk factors in the Caribbean, including global and regional commitments	Gloria Giraldo (PAHO/WHO)
10h50-11h10	Q & A	
11h10-11h30	<b>BREAK</b>	
<b>Cost-effective solutions</b>		
11h30-12h00	Cost-effective interventions to prevent and control NCDs, including taxation	Robert Totanes (WHO)
12h00-12h15	Q & A	
12h15-13h30	<b>LUNCH BREAK</b>	
<b>Using taxation for health: a global perspective</b>		
13h30-14h00	Global evidence on the impact of health taxes	Ceren Ozer (World Bank)

Continue next page



**DAY 3 - 1 November**  
**Meeting: Health Tax Policies**

Time	Activity	Speaker
14h00-14h30	Global experience in providing technical assistance on health taxes	Jeremias Paul (WHO)
14h30-14h50	Q & A	
14h50-15h10	BREAK	
Taxation and Health Financing		
15h10-15h40	Taxation policy within the context of health financing in the Caribbean	Guillermo A. Sandoval (PAHO/WHO)
15h40-16h00	Regional experience in providing technical assistance in health financing	Juan Pablo Pagano (PAHO/WHO)
16h00-16h25	Q & A	
16h25-16h30	Final instructions	
17h15	RECEPTION	

————— **End of Day 3** —————

**DAY 4 - 2 November**  
**Meeting: Health Tax Policies**

Time	Activity	Speaker
<b>Chaired by: Guillermo A. Sandoval and Rosa Sandoval</b>		
<b>Taxation Policy Design, Challenges, and Opportunities</b>		
08h30-09h00	Critical considerations in taxation policy design and implementation, including monitoring, challenges and data needs	Ceren Ozer (World Bank)
09h00-09h25	Challenges and enablers in advancing taxation policies in the Caribbean	Miriam Alvarado (GA-CDRC)
09h25-09h45	Q & A	
09h45-10h10	Health tax revenue uses: evidence, policy considerations and country experiences	Danielle Bloom (World Bank)
10h10-10h30	Q & A	
<b>10h30-10h50</b>	<b>BREAK</b>	
<b>Panel: Government Experiences</b>		Moderator: Fabio Da Silva Gomes (PAHO/WHO), Edit Velenyi (World Bank)
10h50-11h40	Tobacco taxes: countering industry interference	Fabrizio Kensen (MOF Suriname)
	Recent changes on taxation on SSB: perspectives in change policy coherence between health and finance	Dr. Arthur Phillips (MOH Barbados)
	Alcohol: challenges in advancing alcohol taxation	Ms. Peeta Gay Thompson (MOH Jamaica)
11h40-12h00	Q & A	
<b>12h00-13h15</b>	<b>LUNCH BREAK</b>	

Continue next page

**DAY 4 - 2 November**  
**Meeting: Health Tax Policies**

Time	Activity	Speaker
Panel: Research and Civil Society		Moderator: Tatiana Villacres (PAHO/WHO), Thulani Matsebula (World Bank)
13h15-14h05	Research needs for promotion of tobacco and alcohol taxes globally	Jeff Drope (UIC)
	Alcohol taxation: resources and monitoring	Mark Goodchild (WHO)
	Role of civil society in the promotion of SSB taxes as instrument of public health policies	Rachel Morrison (GHA)
14h05-14h15	Q & A	
14h15-14h45	Providing technical assistance on health taxes policies for achieving health/sustainable development goals	Odd Hanssen (UNDP)
	Global experience on health taxes and future plans on technical assistance	Alexa Segal (OECD)
14h45-15h00	Q & A	
15h00-15h15	BREAK	
Modeling Health Taxes Impact		
15h15-15h45	Investment cases	Robert Totanes (WHO)
15h45-16h15	Tax revenues/consumption	Mark Goodchild (WHO)
16h15-16h30	Q & A	

————— **End of Day 4** —————



**DAY 5 - 3 November**  
**Meeting: Health Tax Policies**

Time	Activity	Speaker
<b>Chaired by: Guillermo A. Sandoval and Tatiana Villacres</b>		
08h30-08h45	Summary/key messages from Day 3 and Day 4	WHO/PAHO team
<b>Collaborative learning: Group work and country snapshots</b>		
08h45-09h00	Instructions on the group work	Guillermo A. Sandoval (PAHO/WHO)
09h00-10h30	Working sessions	Gloria Giraldo, Guillermo A. Sandoval, and Fabio Da Silva Gomes (PAHO/WHO)
<b>10h30-10h45</b>	<b>BREAK</b>	
10h45-12h30	Working sessions	Gloria Giraldo, Guillermo A. Sandoval, and Fabio Da Silva Gomes (PAHO/WHO)
<b>Closing</b>		
12h30-13h00	Next steps and closing remarks	Gloria Giraldo, Guillermo A. Sandoval and Rosa Sandoval (PAHO/WHO)
<b>13h00-14h30</b>	<b>LUNCH</b>	

————— **End of meeting** —————