

CARIBBEAN PUBLIC HEALTH LAW FORUM

Newsletter



The Right to Health - making the vision a reality

The right to health for all people is a legal obligation established in the International Covenant on Economic, Social and Cultural Rights within other international treaties, and is also enshrined in the national Constitutions and statutes of most countries in the Americas.

The World Health Organization's Constitution (1946) envisages "...the highest attainable standard of health as a fundamental right of every human being without distinction of race, religion, political belief, economic or social condition." The health of all people is fundamental to the attainment of peace and security.

Domestic legislation inspired by human rights law and the resolutions of international bodies is a powerful tool for safeguarding and promoting public health and guaranteeing that the protection, promotion and fulfilment of the progressive realization of the right to health can serve as an intense and continuous guide to promote health and be complemented with the delivery of good governance.

PAHO Member States in the Caribbean have the power and the duty to advance the right to health through an integrated and strong linkage within legislation, policies and the implementation of same, participating fully in the decision-making process and putting the people at the centre of care.

The Caribbean Public Health Law Forum was created to discuss and transform this vision into practice with the collaborative effort of its members to strengthen the great advances in health that this Region has achieved while continuously enhancing the tools available through the laws and regulations, standards and policies within an ever-changing environment.



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The Right to Health - making the vision a reality (continued)



The idea to create a smoke-free Caribbean¹ is a goal that we are close to achieving but there is still the need to enhance the power of local authorities to tackle the perverse influence of the tobacco industry, with transparency and accountability, encouraging the use of taxation and price policies to promote health and to develop well-articulated regulations and standards to achieve the full compliance with **the Framework Convention for Tobacco Control**², especially in line with the novel products that the industry is sponsoring and promoting.

1. <https://www.healthycaribbean.org/wp-content/uploads/2022/05/Towards-a-Smoke-Free-Caribbean-What-Ministries-of-the-Blue-Economy-Need-To-Know-Policy-Brief-May-2022.pdf>
2. <https://www.healthycaribbean.org/wp-content/uploads/2022/05/Implementation-of-the-WHO-Framework-Convention-on-Tobacco-Control-in-Antigua-and-Barbuda-Case-Study-May-2022.pdf>



A healthy Caribbean also represents the need to create a wide array of normative and regulatory instruments, supported by strong legislation, to promote healthy eating, These include:
Using the evidence-based front-of-pack label warning for products high in sugar, fats and salt;

1

Applying taxation and price control on unhealthy products like sugar-sweetened beverages

2

Banning the use of junk food in school settings

3

Promoting the use of locally produced supplies within the Caribbean and substituting crops

4

Raising awareness of the need to create healthy environments, particularly for children; even sponsoring and promoting breastfeeding as the primary source of feeding of newborns for up to two years, the best investment in the future.

The above, coupled with the use of legislation, should compel the food industry to reformulate its ultra-processed products and eliminate trans fatty acids to comply with international best practices.

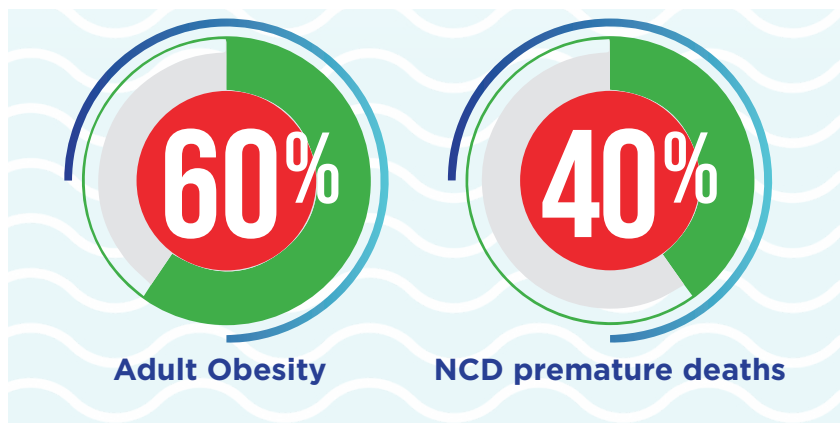
The Forum continues to work assiduously towards this much-needed reform and looks forward to your support in the upcoming years.

Tackling the NCD Crisis - one label at a time

Prior to the advent of the novel Coronavirus (Covid-19), the magnitude of the health and socioeconomic burden of non-communicable diseases (NCDs) in the Caribbean was well known – evidenced not only by poor individual and population health, but also by reduced productivity and delayed sustainable national development.

People living with NCDs are significantly more vulnerable to Covid-19 and experience increased risk of becoming seriously ill or even dying. Inequities and shortcomings in the implementation of comprehensive national responses to NCD prevention and control have been revealed during the course of the pandemic.

One area where this is particularly glaring is food consumption. The overconsumption of widely accessible, cheap, heavily marketed, poorly labelled (processed and ultra-processed) packaged foods – high in sugars, fats and salt – contributes to unhealthy diets which are a major contributor to approximately 60% of adults being obese or overweight; the high prevalence rates of hypertension and diabetes with associated significant ill-health; and 40% premature deaths due to NCDs in the Caribbean.



Front of Packaging Warning Labels

A statement by a former UN Rapporteur on the Right to Health³ emphasised states' obligations to adopt regulatory measures aimed at tackling NCDs. This represents one of the key and essential policy tools of a comprehensive strategy to regulate obesogenic environments and address the crises of obesity and NCDs in the Caribbean which the Covid-19 pandemic has further exacerbated. Front-of-package warning labels (FOPWL) have been supported as a rights-compliant response.

In the Caribbean, the CARICOM Regional Organization for Standards and Quality (CROSQ) has led the revision of the (2010) CARICOM Regional Standard for Specification for labelling of pre-packaged foods (CRS 5:2010) to incorporate front-of-package

labelling (FOPL) specifications in a process supported by regional mandates (including the Port of Spain Declaration (2007), and communiqués of the 37th and 39th Conference of Heads of State and Government), and which involved extensive multi-stakeholder consultations with all CARICOM Member States.

The current Final Draft CARICOM Regional Standard, based on the most rigorous scientific evidence calls for the use of black and white octagonal warning labels indicating if a product is "HIGH IN" critical nutrients – sugars, total fats, saturated fats, trans fats and salt/sodium – based on the PAHO nutrient profile model. This standard has established the thresholds that define when these "critical nutrients" are in excess and potentially harmful to health.

3. Statement by the UN Special Rapporteur on the right to health on the adoption of front-of-package warning labelling to tackle NCDs.
<https://www.ohchr.org/EN/NewsEvents/Pages/DisplayNews.aspx?NewsID=26130&LangID=E>

Front of Packaging Warning Labels (continued)

Three dietary risk factors (excessive consumption of sugars, salt/sodium and trans fats) contribute to the Region's high NCD burden.

To address these risk factors, it is essential to adopt a FOPWL that will allow all segments of the population, especially the most vulnerable, to correctly, quickly and easily identify products that are excessive in these and other critical nutrients, as proposed in the Final Draft CARICOM Regional Standard 5: 202X Labelling of Foods - Pre-Packaged Foods - Specification (Revised).

Scientific evidence, free from conflict of interest, consistently indicates that octagon-shaped warnings outperform other systems (including the traffic light and the facts up front systems) in meeting the

regulatory objective of the CROSQ proposed standard. There is now urgent need for policymakers to reaffirm their commitment to achieving a regional standard for the labelling of processed and ultra-processed food products that is based on evidence, free of conflicts of interest, and supports healthier nutritious diets, thereby positively contributing to efforts to address the crisis of obesity and NCDs in the Caribbean.

The regional standard supported by the authors is the (Revised) Final Draft CARICOM Regional Standard 5: 202X Labelling of Foods - Pre-Packaged Foods - Specification, using the black octagonal warning labels indicating if a product is 'High In' critical nutrients and the PAHO nutrient profile model.



4. Front-of-package warning labelling (FOPWL) in the Caribbean. <https://www.paho.org/en/front-package-warning-labeling-fopwl-caribbean>

MEMBER FEATURES



DR. AUDREY MORRIS

Regional Advisor (Decentralized) - Food and Nutrition, Pan American Health Organization (PAHO)

I represent PAHO on the Steering Committee of the CPHLF. It has been encouraging to see the enthusiasm of the membership in using the appropriate laws and policies to address the food and nutrition environment that has contributed to the rise in NCDs, in recognition that this is not just a health issue, but one that requires a multidisciplinary approach.

Vision for the Forum

As the Forum expands, together the advocates can seize more opportunities for applying health laws in working towards the betterment of health for the Caribbean population.



MAISHA HUTTON

Executive Director, Healthy Caribbean Coalition (HCC)

My role on the Steering Committee is to identify and foster linkages and opportunities between the work of the Forum and HCC's work in supporting accelerated implementation of strong evidence-based NCD regulations in the region.

Vision for the Forum

The creation of a diverse, active, solutions-driven platform working to address priority NCD/health issues at the intersection of health and the law.

MEMBER FEATURES



KADIAN BIRCH

**Attorney-at-Law | Acting Director Policy Planning and Development Division, Ministry of Health and Wellness, Jamaica
Chair of the Nutrition/Food Policies Working Group of the Caribbean Public Health Forum**

This Working Group is focused on strengthening legislation to promote healthy eating and the application of health regulations through the use of law. The burden of NCDs continues to rise and poses significant social and economic impacts for low and middle income countries such as countries within the Caribbean Region, but one that requires a multidisciplinary approach.

Vision for the Forum

It is my hope that the Caribbean Public Health Law Forum will facilitate the increase in recognition of law as a crucial tool to fighting the NCDs epidemic as well as the strengthening of mechanisms within Caribbean countries to incorporate the law as part of their national strategies to reduce NCD mortality and morbidity.



KESAUNDRALVES

**Caribbean Legal Consultant
Global Health Advocacy Incubator
Chair of the Tobacco Control Working Group**

This Working Group plans to spotlight tobacco industry interference in the Caribbean, raise awareness of the regulation of novel tobacco products, and re-establish in the region the importance of raising taxes as a tobacco control best buy.

Vision for the Forum

The Working Group, and the Forum as a whole, will empower advocates across the Region with the information, strategies, supportive network and tools to hold our Heads of Government accountable, to realise the commitment they made in the 2007 Declaration of Port of Spain: Uniting to Stop the Epidemic of Chronic NCDs “to pursue immediately a legislative agenda for passage of the legal provisions [of] the Framework Convention on Tobacco Control.”

Resources

To learn more on how the law can be used to manage the NCD crisis in the Region, click on any of the following links:

Public Lecture

“Caribbean Public Health: The Use of Law to Address NCDs in the Caribbean - A Call to Action - delivered by Justice Anderson - Lecture link: <https://youtu.be/lr5DsPK67PA>

Tobacco Control

Report on Tobacco Control for the Region of the Americas 2022: Country Profiles
https://iris.paho.org/bitstream/handle/10665.2/56409/PAHONMHRF220024_eng.pdf?sequence=1&isAllowed=y

‘Tobacco plain packaging: Global status 2021 update’ (joint publication from WHO and the WHO FCTC Secretariat): <https://www.who.int/publications/i/item/9789240051607>

Resources (continued)

To learn more on how the law can be used to manage the NCD crisis in the Region, click on any of the following links:

Smoke-free Caribbean Publications

<https://www.healthycaribbean.org/wp-content/uploads/2022/05/Towards-a-Smoke-Free-Caribbean-What-Ministries-of-the-Blue-Economy-Need-To-Know-Policy-Brief-May-2022.pdf>

<https://www.healthycaribbean.org/wp-content/uploads/2022/05/Towards-a-Smoke-Free-Caribbean-What-Ministries-of-Education-Need-To-Know-Policy-Brief-May-2022.pdf>

<https://www.healthycaribbean.org/wp-content/uploads/2022/05/Towards-a-Smoke-Free-Caribbean-What-Ministries-of-Tourism-Need-To-Know-Policy-Brief-May-2022.pdf>

<https://www.healthycaribbean.org/wp-content/uploads/2022/05/Towards-a-Smoke-Free-Caribbean-What-Ministries-of-Finance-Need-To-Know-Policy-Brief-May-2022.pdf>

<https://www.healthycaribbean.org/wp-content/uploads/2022/05/Implementation-of-the-WHO-Framework-Convention-on-Tobacco-Control-in-Antigua-and-Barbuda-Case-Study-May-2022.pdf>

Nutrition/Food Policy

Front-of-package warning labeling (FOPWL) in the Caribbean. <https://www.paho.org/en/front-package-warning-labeling-fopwl-caribbean>

Statement by the UN Special Rapporteur on the right to health on the adoption of front-of-package warning labelling to tackle NCDs. <https://www.ohchr.org/EN/NewsEvents/Pages/DisplayNews.aspx?NewsID=26130&LangID=E>

<https://www.healthycaribbean.org/wp-content/uploads/2022/09/Summary-Policy-and-Legislative-Guidance-for-Regulating-the-Availability-and-Marketing-of-Unhealthy-Beverages-and-Food-Products-in-and-around-Schools-in-the-Caribbean-September-2022.pdf>

Season's Greetings to all our readers!



As the festive holiday season draws nearer,
we reflect on the past year and thank you for your support.

We wish you joy and prosperity, and as you celebrate,
encourage you and your loved ones to eat well,
make merry and remember always,
your health is your wealth!


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HEALTH LAW FORUM**