

CARIBBEAN PUBLIC HEALTH LAW FORUM

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Advancing Public Health through regulatory action and advocacy in the Caribbean: Spotlight on Key Initiatives and Opportunities

CPHLF Capacity-Building webinar on Regulating Emerging Tobacco and Nicotine Products

Marking its 11th plenary session, on December 10, 2024, the CPHLF hosted a webinar on Emerging Tobacco and Nicotine Products: Regulation, progress, status and countering misleading information. The session outlined the regional situation regarding the use of the novel and emerging products, particularly among the youth, as well as digital marketing. It also provided updates on efforts to regulate emerging products globally, in addition to recommendations on how to regulate these novel and emerging products using strong World Health Organization Framework Convention on Tobacco Control (WHO FCTC) measures, having regard to the tobacco industry's efforts to promote and weaken regulation of the said products.



Below are some 'take-aways' from each presentation:

Overview of the status of regulation of emerging tobacco and nicotine products in the CRB and the region of the Americas - Diana Ceron and Rosa Sandoval: PAHO Regional Tobacco Control Team

The increasing availability of emerging products on the market is a growing concern among governments, particularly e-cigarettes, which are nearly as prevalent as conventional cigarettes among youth (13-15 years) (6% vs. 5.4%) in the Americas. The WHO FCTC commits Parties not only to prevent and reduce tobacco use and exposure to tobacco smoke, but also nicotine addiction, regardless of its source. The Conference of the Parties to the WHO FCTC decided that, in cases where the commercialization of these products is not completely banned, mandated regulations should include prohibiting all forms of advertising, promotion, and sponsorship of these products. Additionally, these regulations should incorporate the treaty's demand and supply reduction measures, notably the **MPOWER measures**, as well as other policy approaches such as flavouring bans, prohibitions on sales by and to minors, among others.

Navigating the local regulatory landscape: Reflections on the Jamaica experience - Sheryl Dennis Wright: PAHO/WHO Subregional Programme Office for the Caribbean

Outlining the perspectives of the youth on the use of novel products, based on data provided by Jamaica's

National Council on Drug Abuse, it was highlighted that apart from the product’s perceived low risk the youth felt that the products were in high demand, easily accessible and could be effortlessly masked from parents. The presentation, which shed light on Jamaica’s policy landscape and the local call from the youth for stronger penalties, provided an insight into the efforts and discussions among regulators through recent Joint Select Committee deliberations in Jamaica’s parliament. One key takeaway was the role of public health proponents and stakeholders including civil society in advancing strong and effective regulatory efforts.

Restricting digital marketing of emerging Tobacco and Nicotine Products- Legislate, Monitor, and enforce solutions - Kritika Khanijo: Public Health Law and Policies Unit, WHO

Tackling the digital marketing of new and emerging nicotine and tobacco products is crucial for protecting public health, particularly due to its rising prevalence among adolescents. Digital marketing, often targeting younger audiences through social media and other platforms, poses a significant risk by normalizing and glamorizing these products. To address this issue effectively, it is essential to broaden the scope of regulatory frameworks to cover newer categories of nicotine and tobacco products. Comprehensive bans on tobacco advertising, promotion, and sponsorship (TAPS) must explicitly include these emerging products to prevent youth-targeted marketing strategies. Specific digital marketing techniques, such as influencer marketing and interactive user engagement, must be regulated, and restrictions on the online retail of these products should be implemented to reduce accessibility. Additionally, laws should mandate provisions for monitoring and enforcement, including the use of automated tools to track digital marketing activities effectively.

Genuine ‘Harm Reduction’: Effective Messaging to Pivot Away from the Tobacco Industry’s Playbook and Towards the Real Harms Posed by Tobacco and Nicotine Emerging Products - Daniel Lopez: International Legal Consortium, Campaign For Tobacco Free Kids

Around the world, the tobacco industry is aggressively promoting addictive tobacco and nicotine products, including e-cigarettes, heated tobacco products, nicotine pouches, and other emerging products. These products pose a serious threat to the health of people around the world—especially youth—and to the immense progress we have made globally to curb addiction to nicotine and tobacco. Meanwhile, the tobacco industry is pouring resources into ad campaigns and influence strategies, positioning these products as “harm reduction” tools, effectively co-opting a legitimate public health strategy to market their addictive products. To counteract the industry’s strategy, public health officials and advocates need a clear and defined message that pushes back against the aggressive marketing of these products and dismantles the tobacco industry’s false claims. No legitimate harm reduction approach includes selling thousands of addictive products on the open market to smokers and non-smokers alike with limited or no regulation.

The tobacco industry uses the harm reduction strategy as a commercial strategy, not as genuine public health strategy.

No legitimate harm reduction approach includes selling thousands of addictive products on the open market to smokers and non-smokers alike with limited or no regulation.

What is Genuine Harm Reduction?

Harm reduction is a public health strategy aimed at reducing risk from harmful substances.

REQUIRED!

- Research showing its effectiveness
- Strict regulation, including advertising
- Tight product control
- Supervision by medical professionals

Caribbean Legal Seminar to advance Public Health through Strategic Litigation

From November 7-8, 2024, legal and public health professionals gathered in Bridgetown, Barbados for the 2nd Caribbean Legal Seminar on Food Policy, organized by the Global Health Advocacy Incubator (GHA) and the O'Neill Institute for National and Global Health Law. This seminar, which built on the success of the previous year's inaugural session in Kingston, Jamaica, brought together attorneys from the Commonwealth Caribbean, especially those currently working or having an interest in food policy, public health, human rights, consumer protection, environmental protection, among other related public interest areas. The seminar sought to build legal and litigation capacity in the region and explore potential litigation pathways for advancing front of package warning labels (FOPWL) and other policy priorities. In this regard, the seminar focused on three food policy priorities: healthy school food environments, restricting the marketing of unhealthy foods to children, and FOPWL which are lagging in relation to political will for implementation.



The main objectives were to:

- a. Build capacity and networks** for the advancement of food policy priorities in the Caribbean;
- b. Facilitate working groups to explore, discuss, and record ideas** about potential opportunities for strategic litigation in the Commonwealth Caribbean;
- c. Explore both substantive and procedural aspects** of potential strategic litigation; and
- d. Continue to strengthen the regional coalition** of attorneys engaged in legal work and rights-based advocacy for healthy food policies.

The discussions explored how constitutional law, administrative law, and consumer protection frameworks can be leveraged to address food policy challenges. One key takeaway was the potential of the **Inter-American Court of Human Rights** as a powerful tool for enforcing health rights aligned with public health priorities.

The seminar underscored the importance of developing regional jurisprudence that clarifies the obligations of Caribbean governments and the rights of citizens in safeguarding public health. Participants were urged to utilize the legal avenues to hold governments accountable, challenge harmful food policies, and promote healthier food environments across the region.

CPHLF Members who participated



CPHLF Members who participated in the 2nd Caribbean legal seminar to advance public health through strategic litigation

Advocating for Healthier School Food Environments in the Caribbean

The **Health Promoting Schools (HPS)** strategy is a vital public health initiative in Latin America and the Caribbean, targeting the improvement of physical and socio-emotional school environments. Central to this strategy is enhancing school food environments by reducing access to ultra-processed foods and sugar-sweetened beverages (SSBs), key contributors to rising non-communicable diseases (NCDs).

Being a Health Promoting School implies a commitment of the institution to continually review the daily work of the school to provide physical and socioemotional conditions that allow students, teachers and families to choose behaviours and practices that promote individual health and well-being and that of their communities, which is expected to improve learning outcomes.

A **virtual course** and **guide** on Making Every School in the Americas a Health-Promoting School” was developed by PAHO with the collaboration of various experts, PAHO/WHO collaborating centers and other agencies, and within the framework of the Strategy and Plan of Action on Health Promotion in the Context of the Sustainable Development Goals 2019-2030. While traditional approaches persist, momentum is building for integrated strategies aligned with WHO and UNESCO guidelines. PAHO’s guide and virtual course supports this evolution.



Engage with the IACHR: A Key Opportunity for Caribbean NCD Advocacy

The **Inter-American Commission on Human Rights (IACHR)** has recently released its **2023 Annual Report**, providing new opportunities for those advocating for public health, including NCDs, in the Caribbean. The IACHR has made significant strides in strengthening its engagement with Caribbean countries through visits to Guyana, Saint Lucia, and Suriname, and the ongoing implementation of its Strategic Plan 2023-2027.



For public health and legal professionals in the Caribbean, now is an ideal moment to engage with the IACHR's mechanisms, which offer avenues for advocacy, policy influence, and the elevation of NCDs as a human rights issue. The IACHR's petition system, precautionary measures, and thematic reports provide opportunities for direct engagement and meaningful impact.

As the IACHR continues to prioritize the Caribbean, stakeholders are urged to advocate for stronger protections and policies that address the root causes of NCDs, including submitting petitions, requesting precautionary measures, and contributing to thematic reports.

The Pandemic Preparedness Treaty: A Vital Step for Global Health Security

In the wake of recent global health crises, the **Pandemic Preparedness Treaty**, also known as the **Pandemic Accord**, is more crucial than ever. Currently being negotiated by the World Health Organization (WHO) and its 194 member states, this treaty aims to enhance global readiness for future health emergencies by establishing a robust framework for preventing, preparing for, and responding to pandemics.

Why We Need This Treaty Now:

- **Prevent Future Crises:** The COVID-19 pandemic showed us the devastating impact of being unprepared. Millions of lives were lost, and economies were shattered. We cannot afford to let this happen again.
- **Equitable Access:** Ensuring fair distribution of vaccines, personal protective equipment (PPE), and essential health tools is not just a goal but a moral imperative to ensure no country is left behind in a health crisis.
- **Global Cooperation:** Effective pandemic response requires unprecedented levels of international cooperation. Sharing information and resources can save lives.
- **Strengthening Health Systems:** Enhancing national and regional health systems will make them more resilient, ensuring they can withstand future shocks.

Key Goals of the Treaty:

- **Equitable Access:** Ensuring fair distribution of vaccines, PPE, and essential health tools.
- **Global Cooperation:** Promoting the sharing of information and resources among countries.
- **Strengthening Health Systems:** Enhancing national and regional health systems to be more resilient.

Dr. Tedros Adhanom Ghebreyesus, WHO Director-General, stated, “The world needs this treaty to ensure that we are better prepared for the next pandemic. It is a matter of global solidarity and security.”

The treaty’s focus on equity and resilient health systems aligns closely with efforts to address Non-Communicable Diseases (NCDs) by supporting equitable healthcare access and fostering global collaboration. This comprehensive approach is crucial for building a safer and healthier world.

Regional Townhall on Criminal Justice Reform

Similar to non-communicable diseases, crime in the Caribbean region continues to be a factor that affects the quality of, and in some cases, length of life for our citizens. In April 2023, the Caribbean Community’s Heads of Government declared crime and violence a public health emergency. Later, in October 2023, recognising this emergency, the **Needham’s Point Declaration on Criminal Justice Reform** was adopted at the 7th Biennial Conference of the CCJ Academy for Law, featuring 39 recommendations to modernize the region’s criminal justice systems. In commemorating the first anniversary of this declaration, the CCJ Academy for Law, in collaboration with the Inter-American Development Bank, United Nation Development Bank, and University of the West Indies (UWI) Mona Campus, Faculty of Law, organized a Regional Townhall meeting, held in Kingston, Jamaica, on 14 November 2024, under the theme ‘Advancing Justice in the Caribbean Post Needham’s Point Declaration’.

The townhall featured virtual presentations from regional representatives on criminal justice developments in their respective jurisdictions; in addition to a panel discussion involving representatives of the ministries of justice and national security and civil society, underscoring the need for a multi-sectoral approach to tackling crime. This area continues to be of significance in the NCD arena also considering the burden of crime and violence on health systems.

Other regional developments

Regional and national technical health experts, partners and stakeholders recently collaborated on the development of the PAHO/WHO Caribbean Subregional Cooperation Strategy (SCS). The SCS aims to strengthen regional health priorities, address pressing health challenges, and support sustainable health development across the Caribbean. The stakeholders were convened to ensure that the priorities of the strategy reflect the needs and main concerns of the Caribbean region. NCDs and Mental Health were highly prominent in all discussions of the PAHO SCS with Caribbean partners and stakeholders. This new Strategy is expected to be finalized and signed with officials from CARICOM in February 2025. Please see items 34 and 35 in list of resources from PAHO and CARICOM, which were simultaneously published.

Member Features

Congratulations to Mme Justice Ononaiwu



On 29 October 2024 **Mme Justice Chantal Ononaiwu was sworn in as a judge of the Caribbean Court of Justice (‘CCJ’)** by the Governor-General of Jamaica, Sir Patrick Allen at King’s House in Kingston, Jamaica. In addition, she has been appointed as the Deputy Chair of the CCJ Academy for Law. Justice Ononaiwu, a registered member of the Caribbean Public Health Law Forum, is recognised for her expertise in international law, particularly international trade law. Throughout her distinguished career, she has served as an adjudicator, litigator, legal advisor and university lecturer. **We congratulate Justice Ononaiwu on her achievement!**

Congrats to Nicole Foster Principal’s Award for Excellence 2024/25



The University of the West Indies (UWI), Cave Hill Campus, has awarded Nicole Foster the prestigious **Principal’s Award for Excellence 2024/25** in the category of **Outstanding Contribution to Public Service**. This recognition honors Nicole’s exceptional work in using the law to tackle Non-Communicable Diseases (NCDs), particularly childhood obesity, and her influential role as a community and regional advocate. As the head of the **UWI Cave Hill Law and Health Research Unit**, and former chair of the CPHLF Steering Committee, Nicole has been a driving force in advancing legal and policy frameworks for NCD prevention.

The Caribbean Public Health Law Forum is proud of the several capacity building activities this year. As we move ahead, we will seek to continue to strengthen the capacity of our members to contribute to public health policy development in keeping with global mandates and regional commitments. We remain thankful to all members, contributors and other stakeholders for their continued support, and extend season’s greetings to each of you and your families. **May you celebrate good health, peace and prosperity.**

Merry Christmas and Happy New Year 2025

CARIBBEAN PUBLIC
HEALTH LAW FORUM

Public Health and Law Resources

Click or copy these useful links in your browser for important material/updates:

WHO REPORTS

1. WHO report on the global tobacco epidemic 2021: addressing new and emerging products: <https://www.who.int/publications/i/item/9789240032095>
2. WHO study group on tobacco product regulation: report on the scientific basis of tobacco product regulation: **seventh** report of a WHO study group: <https://escholarship.org/uc/item/9rn580ss>
3. WHO study group on tobacco product regulation: Report on the scientific basis of tobacco product regulation: **eighth** report of a WHO study group: <https://www.who.int/publications/i/item/9789240022720>
4. WHO study group on tobacco product regulation: report on the scientific basis of tobacco product regulation: **ninth** report of a WHO study group: <https://www.who.int/publications/i/item/9789240079410>
5. Electronic cigarettes: call to action: <https://www.who.int/publications/m/item/electronic-cigarettes---call-to-action>
6. Heated tobacco products: summary of research and evidence of health impacts: <https://www.who.int/publications/i/item/9789240042490>
7. Technical note on the call to action on electronic cigarettes: <https://www.who.int/publications/m/item/technical-note-on-call-to-action-on-electronic-cigarettes>
8. Heated tobacco products: information sheet - 2nd edition: <https://iris.who.int/bitstream/handle/10665/331297/WHO-HEP-HPR-2020.2-eng.pdf?sequence=1>
9. Restricting digital marketing in the context of tobacco, alcohol, food and beverages, and breast-milk substitutes: existing approaches and policy options: <https://iris.who.int/bitstream/handle/10665/373130/9789240077249-eng.pdf?sequence=1>

Decisions of the Conference of the Parties and Reports - WHO Framework Convention on Tobacco Control

10. FCTC/COP6(9) Electronic nicotine delivery systems and electronic non-nicotine delivery systems: https://iris.who.int/bitstream/handle/10665/145116/FCTC_COP6%289%29-en.pdf?sequence=1&isAllowed=y
11. FCTC/COP7(9) Electronic nicotine delivery systems and electronic non nicotine delivery systems: [https://fctc.who.int/news-and-resources/publications/m/item/fctc-cop7\(9\)-electronic-nicotine-delivery-systems-and-electronic-nonnitotine-delivery-systems](https://fctc.who.int/news-and-resources/publications/m/item/fctc-cop7(9)-electronic-nicotine-delivery-systems-and-electronic-nonnitotine-delivery-systems)

12. FCTC/COP8(22) Novel and emerging tobacco products: [https://fctc.who.int/docs/librariesprovider12/meeting-reports/fctc_cop8\(22\).pdf](https://fctc.who.int/docs/librariesprovider12/meeting-reports/fctc_cop8(22).pdf)
13. WHO Report FCTC/COP/10/7: [https://fctc.who.int/news-and-resources/publications/i/item/fctc-cop-10-7-progress-report-on-technical-matters-related-to-articles-9-and-10-of-the-who-fctc-\(regulation-of-contents-and-disclosure-of-tobacco-products-including-waterpipe-smokeless-tobacco-and-heated-tobacco-products](https://fctc.who.int/news-and-resources/publications/i/item/fctc-cop-10-7-progress-report-on-technical-matters-related-to-articles-9-and-10-of-the-who-fctc-(regulation-of-contents-and-disclosure-of-tobacco-products-including-waterpipe-smokeless-tobacco-and-heated-tobacco-products)
14. FCTC/COP/10/9 Challenges posed by and classification of novel and emerging tobacco products: <https://fctc.who.int/news-and-resources/publications/i/item/fctc-cop-10-9-challenges-posed-by-and-classification-of-novel-and-emerging-tobacco-products>
15. INFORMATION NOTE on classification of novel and emerging tobacco products: https://fctc.who.int/docs/librariesprovider12/default-document-library/info-note-novel-classification_en.pdf
16. FCTC/COP10(23) Specific guidelines to address cross-border tobacco advertising, promotion and sponsorship and the depiction of tobacco in entertainment media for implementation of Article 13 (Tobacco advertising, promotion and sponsorship) of the WHO FCTC: [https://fctc.who.int/news-and-resources/publications/i/item/fctc-cop10\(23\)-specific-guidelines-to-address-cross-border-tobacco-advertising-promotion-and-sponsorship-and-the-depiction-of-tobacco-in-entertainment-media-for-implementation-of-article-13-\(tobacco-advertising-promotion-and-sponsorship\)-of-the-who-fctc](https://fctc.who.int/news-and-resources/publications/i/item/fctc-cop10(23)-specific-guidelines-to-address-cross-border-tobacco-advertising-promotion-and-sponsorship-and-the-depiction-of-tobacco-in-entertainment-media-for-implementation-of-article-13-(tobacco-advertising-promotion-and-sponsorship)-of-the-who-fctc)

Other Tobacco Control Resources

17. Taxation of novel and emerging nicotine and tobacco products (HTPs, ENDS, and ENNDS) globally and in Latin America: <https://journal.paho.org/en/articles/taxation-novel-and-emerging-nicotine-and-tobacco-products-htps-ends-and-ennds-globally-and>
18. CTFK Landing page nicotine pouches: <https://www.tobaccofreekids.org/what-we-do/global/nicotine-pouches>
19. CTFK e-cigarette and HTP resource hub: <https://www.tobaccofreekids.org/emerging-products>

Nutrition policies

20. The Food In Our Schools Matters: <https://www.healthycaribbean.org/the-food-in-our-schools-matters/>
21. New PAHO Course Builds Capacity To Improve Food Environments: <https://www.advocacyincubator.org/news/2024-08-13-new-paho-course-builds-capacity-to-improve-food-environments>

22. Regulatory Policies to Prevent Obesity and Diet-related Noncommunicable Diseases: <https://campus.paho.org/en/course/regulatory-nutrition-policies>
23. Barbados Childhood Nutrition Survey: <https://redcap.link/childnutrition>
24. Regulating the Availability and Marketing of Unhealthy Beverages and Food Products in and around Schools in the Caribbean: <https://bit.ly/3RQ0nvQ>
25. Virtual Course Making Every School in the Americas a Health-Promoting School: <https://campus.paho.org/es/curso/escuelas-promotoras-de-la-salud>

IAHCR

26. IACHR Visit to Barbados: [IACHR Press Release on Barbados Visit](#)
27. IACHR 2023 Annual Report: [Read the IACHR 2023 Annual Report](#)
28. IACHR Strategic Plan 2023-2027: [IACHR Strategic Plan](#)
29. IACHR Website: [Visit the IACHR Website](#)

Pandemic Preparedness Treaty

30. [Tracking the Pandemic Agreement: Countries' Last Crack at an Accord](#)
31. [Pandemic Prevention, Preparedness, and Response Accord](#)
32. [International Agreement on Pandemic Prevention and Preparedness](#)
33. [World Health Assembly Agreement on Pandemic Preparedness](#)

PAHO Subregional Cooperation Strategy

34. Caricom supports PAHO's process to develop new subregional cooperation strategy (2025-2029) that is responsive and impactful: <https://caricom.org/caricom-supports-pahos-process-to-develop-new-subregional-cooperation-strategy-2025-2029-that-is-responsive-and-impactful/>
35. PAHO Challenged to Ensure New Subregional Cooperation Strategy (2025-2029) is Responsive and Impactful: <https://www.paho.org/en/news/15-11-2024-paho-challenged-ensure-new-subregional-cooperation-strategy-2025-2029-responsive>
36. PAHO: <https://www.youtube.com/watch?v=AMENjoWtXJs>