

MAJOR TRENDS IN HEALTH LEGISLATION IN THE ENGLISH-
SPEAKING CARIBBEAN
2001-2005



PAN AMERICAN HEALTH ORGANIZATION
HEALTH SYSTEMS STRENGTHENING AREA (HSS)
HEALTH POLICIES AND SYSTEMS DEVELOPMENT UNIT (HP)

NOVEMBER 2006

HEALTH LEGISLATION TREND IN THE ENGLISH-SPEAKING CARIBBEAN 2001 - 2005

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I. INTRODUCTION

The main trends or general direction taken in health legislation enacted between 2001-2005 are in the context of children; food safety ; health and safety at work; accidents and injury prevention; buildings and environment; disease control; institutional aspects; disaster management; standardization; access to health care, insurance and civil society participation.

It is a moot point whether the main trends in health legislation enacted during the period under review were influenced by the Millennium Declaration Goals or that the Millennium Declaration Goals can be termed a variable of that legislation. The Goals were summarized by the Statistical Division, Department of Economic and Social Affairs of the United Nations from the United Nations Millennium Declaration (adopted by the General Assembly in September 2000) and were listed as: 1. Eradicate extreme poverty and hunger; 2. Achieve universal primary education; 3. Promote gender equality and empower women; 4. Reduce child mortality; 5. Improve maternal health; 6. combat HIV/AIDS, malaria and other diseases; 7. Ensure environmental sustainability; 8. Develop a global partnership for development.

The policy of Caribbean Governments prior to the Year 2000 has been to make primary health care accessible to every person free of charge; to build low-rent national housing schemes for the poor; to provide free school meals to all children in primary schools; to protect women and children to the extent that relevant International Conventions have been incorporated and implemented in domestic legislation; and since around the beginning of the present decade Caribbean Governments have largely repositioned Ministerial responsibilities in and among their several Ministries with the objective of achieving the Millennium Development Goals by the target date of 2015.

However, although the inscope of several of the Millennium Development Goals have been the subject of legislation prior to 2000, and for several decades public health services have been free, the current position is that as a result of

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financial stringencies occasioned by the continuing development of globalization, some Caribbean Governments are finding it increasingly difficult to maintain a sufficiency of high quality free health services which healthcare recipients regard as a right. Dependence on financial and technical assistance from the World Bank, the Inter-American Development Bank, the European Union, the Caribbean Development Bank, and the Pan-American Health Organization / World Health Organization continues.

II. CHILD HEALTH

One of the main trends in health legislation enacted during the years 2001-2005 for the English-speaking Caribbean is an increasing concern for the well-being of children. Examples are seen in the relevant sections of following Acts passed by Antigua and Barbuda, Jamaica, Grenada, Bahamas, and the British Virgin Islands.

An increasingly important concern is with the provision of special education programmes for students of compulsory school age who by virtue of intellectual, communicative, behavioural, physical or multiple exceptionalities are in need of special education. The Education Act, 2004 of the British Virgin Islands empowers the Minister of Education to establish a Council on Special Education to advise him, Likewise, the Early Childhood Commission established by the Early Childhood Commission Act, 2003 of Jamaica and the Education Advisory Council established by the Education Act, 2002 of Grenada exhibit similar functions that include advising the Minister on policy matters relating to early childhood care, education and development and any other relevant matter for which the Minister is responsible. The Jamaica Act spells out as a specific function of the Commission that it must monitor and evaluate the implementation of plans and programmes; convene consultations with relevant stakeholders as appropriate; and analyze resource needs and submit recommendations to Government for budgetary allocation.

Another important aspect of child protection legislation is the licensing of childcare facilities and the maintenance of appropriate standards in respect of their operation, for example, the Childcare and Protection Act, 2003, of Antigua and Barbuda, and the Early Childhood Care Act, 2004, of the Bahamas, which establishes a Pre-school and Day Care Centre Council. The Antigua Act establishes the Childcare and Protection Agency which among its several functions provides services for the recovery and rehabilitation of children who have suffered harm or injury and provide care and protection for children under special vulnerability including orphans, children infected with or affected by HIV/AIDS,

and children with mental and physical disabilities. The Child Care and Protection Agency Policy Committee monitors and evaluates the performance of the Agency, and its functions and compliance with policies and programmes approved by the Minister responsible for Social Services. The Bahamas Act requires that before a Certificate of Registration is issued by the Council, the Council must be satisfied that all emergency medical and disaster plans are in place and that no person shall employ another person as care giver in a day care centre or pre school unless that person is certified annually by a medical officer to be in good health, free from communicable diseases, and has received training in early childhood care and education.

Dominica had enacted an Early Childhood Act in 1997, but it was not until 2003 that Regulations were passed making it a legal requirement that the permit to establish an early childhood education facility must indicate the health status of a person who is or will become a members of staff. The Regulations also require a permit holder to keep a medical history record of each child, in which is entered in the case of an injury the nature of the injury sustained or the symptoms of an illness being suffered. The Regulations also make provisions to protect from atmospheric hazards such as smoke, chemicals used in aerial spraying or crop dusting and dangerous noise levels. Health protection and food safety are also dealt with in the Regulations, which require that before appointment to the staff of a facility every prospective member of staff shall undergo a medical examination and submit a medical certificate to the principal; that every member of staff shall be examined for communicable diseases on an annual basis; and that every member of the kitchen staff shall, in addition, have a sound knowledge of nutrition and possess a valid food handler's permit from the Ministry of Health.

The emphasis on child protection in legislation passed between 2001 and 2005 is also seen in the Trafficking in Persons (Prohibition) Act, 2003 of Belize, which is an Act to give effect to and to implement the Protocol to Prevent, Suppress and Punish Trafficking in Persons, especially Women and Children and in the Belize Families and Children (Community Rehabilitation Officers) Regulations, 2005, made under the Families and Children Act. These Officers are deemed to be authorized persons for the purpose of these Regulations and shall perform supervisory duties.

The Criminal Justice (Alternative Sentencing) Act, 2005 of the British Virgin Islands provides for children and young persons sentencing orders. The Act states that where a child has been found guilty of an offence punishable by imprisonment not being an offence the sentence for which is fixed by law, the court may in certain

circumstances make an Attendance Centre Order. The court may also make a Curfew Order which shall include provision for making a probation officer responsible for monitoring the offender's whereabouts during the curfew periods. The Act also provides where necessary for drug rehabilitation and aftercare orders which include a requirement that the offender shall submit during the whole of the rehabilitation and aftercare period to treatment by or under the direction of a person having the necessary qualifications or experience with a view to the reduction or elimination of the offender's dependency on or propensity to misuse drugs. Another Act of the British Virgin Islands which is concerned with the protection of its children is its Children and Young Persons Act, 2005. It provides for the protection of children and young persons and for selected matters. Where an educator, health care professional, social worker or an employee of an institution responsible for the care and protection of children, or the head, employee or volunteer of any organization that deals with children comes into contact with a child in circumstances which would put any reasonable person on the inquiry as to the possible abuse or ill treatment of the child, it shall be the duty of such person to report the matter to the police.

III. FOOD SAFETY

Food Safety continues to be of immense importance. New laws have been enacted, earlier laws amended and legislation enacted several years ago has been brought into force.

Provisions relating to food safety are found in Acts the titles of which describe themselves as concerned with, for example, Marine Conservation, High Seas Fishing, Fisheries, Agriculture, Food Vending, Animal Importation, Environmental Health, Health, Public Markets, Food and Education.

The Marine Conservation Law 1995 of the Cayman Islands was amended in 2001 to protect lobsters, whelks, conchs, Nassau groupers and other creatures by providing for closed seasons, designations and demarcations of spawning areas, and restrictions on use.

St Vincent and the Grenadines in its High Seas Fishing Regulations, 2003 made under the authority of the High Seas Fishing Act, 2001, stipulates that every fishing license shall require that a fishing vessel must observe international conservation standards. The Regulations specifically state that the Chief Fisheries Officer must maintain data of all activities with respect to High Seas fishing, and

must ensure that no dynamiting, poisoning or any other prohibited fishing method is used.

Grenada's Fish and Fishery Products (Amendment) Regulations, 2004, made under the Fisheries Act, provide that no person shall place on the market fish or fishery products unless such fish or fishery products have been subject to the health control and monitoring procedures contained in the Regulations. The Fisheries Development Authority Act, 2003, of Belize, establishes the Belize Fisheries Authority to take over and manage the functions formerly exercised by the Fisheries Department of the Ministry of Agriculture and Fisheries in order to provide the community and people of Belize with the best possible management of aquatic and fishery resources. The legislation aims to ensure the best possible management of fisheries resources and protected areas, and among other things to promote, develop and maintain commercial fishing, and to ensure that fisheries of Belize are not over-exploited.

There also exists the Belize Agricultural Health Authority (Inspection in a Foreign Country) Regulations, 2004, which ensures conformity with Belize's sanitary and phytosanitary measures made pursuant to the Sanitary and Phytosanitary Measures SPS Agreement, an agreement of the World Trade Organization. The Regulations set out procedures associated with inspection conducted by the Belize Agricultural Health Authority (BAHA) officials in a foreign country for the purpose of evaluating the degree of conformity with Belize's sanitary and phytosanitary measures.

The Food (Seafood Processing and Inspections) (Amendment) Regulations, 2004 of the Bahamas, made under the Food Act, Chapter 236, require that staff assigned to the handling of fish products must maintain a high standard of cleanliness, and that cleaning products, insecticides and all potentially toxic substances shall be stored in locked premises or cupboards and that their use must not present any risk of contamination of the seafood product. The Regulations set out the general hygiene conditions applicable to seafood products on board commercial fishing vessels. Similar provisions have been made by the British Virgin Islands in its Fisheries Regulations, 2003 made under the Fisheries Act, 1997. As regards aquaculture operations, the relevant section of the Regulations states among other things that all diseased fish must be disposed of in a manner that will not jeopardize the marine ecosystem; that hazardous materials used during the operation must be properly disposed of as prescribed under the terms of the license; and sets out requirements concerning hygiene in fish processing.

Legislation dealing with such topics as pesticides, markets, slaughterhouses, and food businesses have significant sections concerned with food safety, and also protecting the health of persons. For example, the Pesticides (Amendment) Regulations, 2004 of Jamaica, made under the Pesticides Act make it an offence to transport a pesticide in a commercial or private vehicle together with commodities intended for human or animal consumption that are not separated in a manner that prevents contamination of those commodities by the pesticide. The Nevis Markets and Meat Ordinance 2002 provides for excluding and removing all persons suffering from contagious disease or from any skin or other disease rendering such person unfit to sell in such market.

The Belize Institute of Agricultural Research and Development Act, 2003 states that the objectives of the Institute are to improve efficiency, productivity and competitiveness through the process of technology generation, procurement, transfer and adaptation; and through research, development and technology transfer in promotion of agriculture and industry, thereby contributing to the improvement of the quality of life of the people of Belize. The Institute also aims to promote cooperation with other agricultural research institutions and private and public agencies dealing directly in agricultural production and health, natural resources conservation, ecotourism and rural development.

The Environmental Health Services (Food Hygiene) Regulations, 2003 of Dominica, made under the Environmental Health Services Act, 1997 define “food business” as every trade or business for the purpose of which any person engages in the handling of food and includes the undertaking of a canteen, club, school, hospital or institution. These Dominica Regulations require that all food businesses shall be registered and that the owner shall hold a license permitting him to carry on such a business; and that all food handlers shall possess a certificate of good health; and that no food business shall be carried on in any premises or place which exposes food to the risk of contamination. In the same year Dominica also introduced the Environmental Health Services (Restaurant) Regulations, 2003, also made under the Environmental Health Services Act, 1997, which in addition to licensing requirements, makes provision for an environmental health officer or a medical officer to enter and inspect any restaurant and collect samples of food or other material therefrom for the purpose of bacterial or other examination. No person shall smoke or make other use of tobacco in any kitchen or other room where food is prepared, and no living animal shall be permitted in any kitchen, dining room or other room where food is prepared, stored or served.

IV. HEALTH AND SAFETY AT WORK

That the health and safety of workers in the workplace remains an appropriate subject for legislative control is evidenced by the enactment of such legislation as the Occupational Health and Safety Act, 2004 of Trinidad and Tobago; the Nevis Air and Sea Port Authority (Port) Regulations, 2002; and the Health and Safety at Work Act, 2002 of the Bahamas.

The Occupational Health and Safety Act, 2004 of Trinidad and Tobago states that it shall apply mainly to industrial establishments. It imposes general duties on an employer to ensure, as far as is reasonably practicable, the safety, health and welfare at work of all his employees. A duty is also imposed on manufacturers and suppliers to ensure, as far as is reasonably practicable, that the technology, machinery, plant, equipment or material is safe and without risks to health when properly used. Employees have the right to refuse to work where safety or health is in danger. The exceptions include a person employed in the operation of a hospital, clinic, health centre, nursing home, psychiatric institution, home for the aged, rehabilitation centre or other similar establishment. The Act establishes the Occupational Safety and Health Authority, and the Occupational Safety and Health Agency.

The Health and Safety at Work Act, 2002 of the Bahamas, like that of Trinidad and Tobago, makes it a duty of the employer as far as reasonably practicable to ensure the health, safety and welfare at work of all his employees, and to provide such information, instruction, training and supervision as is necessary to ensure the health and safety at work of his employees. The Minister may designate any suitably qualified public officer as an inspector to ensure compliance with the Act. The Act establishes an Advisory Council for Health and Safety which shall be responsible for such matters as the Minister may prescribe. The Act specifically states that nothing in this Act or the Regulations shall derogate from the Environmental Health Act, the Building Regulations Act, and the Town Planning Act, or any Regulations made or any other Act or Regulations relating to health and safety at work but in the event of any conflict between this Act and the aforementioned Acts or Regulations the provision of this Act or Regulations shall in so far as the relate to health and safety at work prevail.

The Statutory Instrument Nevis Air and Sea Port (Authority) Regulations, 2002, made under the Nevis Air and Sea Port Authority Act, 1995, among other

things make it mandatory that the employers of all persons working in a declared post whether on board or on land must take all necessary precautions for the health and safety of their employees, and must provide such information, instruction, training and supervision as is necessary to ensure as far as reasonably practicable the health and safety at work of his employees. The Regulations also deal with such matters as pollution control, work management and handling of dangerous goods.

V. ACCIDENTS AND INJURY PREVENTION

Fatalities and serious injuries resulting from road accidents has led to the enactment of new Acts or the amendment of existing Acts or the enactment of Regulations mainly under Road Traffic Acts, aimed at accident prevention and control. The Road Traffic (Amendment) Act, 2002 of the Bahamas amends the laws relating to road traffic in order to require the fitting of seat belts on motor vehicles. Exceptions to this requirement include a motor vehicle specifically designed for use by the physically or medically handicapped or disabled, when the person operating the motor vehicle has a certificate issued by a qualified medical practitioner under the Medical Act. The Act also provides for breathalyzer and urine tests of a person suspected of driving under the influence of alcohol. Grenada has similar regulations amending its Road Traffic Act. Seat belts are mandatory; the drinking of alcohol while driving is prohibited; and a person driving or riding on a motor cycle must wear protective headgear consisting of a helmet which must have such characteristics as the Minister responsible for traffic prescribes.

St Lucia's comprehensive Motor Vehicle and Road Traffic Act, 2003 makes similar provisions to those of the Bahamas and Grenada legislation as regards seat belts and protective head gear. The St Lucia Act also requires the installation on or incorporation in certain types of motor vehicles and trailer engines of systems or devices to prevent or lessen the emission into the outdoor atmosphere of an air contaminant. The Road Traffic Act of Barbados was also amended in 2001 to make the wearing of seat belts compulsory, and specifying that a child safety seat means a seat that has been approved by the Barbados Standards Institution and which must be used in conjunction with a seat belt that is held in place by the restraining anchor of that seat belt. A person is exempted from using a seat belt only if that person is the holder of a valid certificate signed by a qualified medical practitioner registered to practice in Barbados to the effect that it is inadvisable on medical grounds for that person to wear a seat belt.

VI. BUILDINGS AND ENVIRONMENT

The pervasiveness of health concerns is seen also in what appears to be the development of a trend to specifically acknowledge health protection concerns in the type of laws where such acknowledgment was not previously the custom. For example, Grenada's Physical Planning and Development Act, 2002 declares as among its objectives, to maintain and improve the standard of building construction so as to secure human health and safety. Among other things, it sets out matters for which an environmental impact assessment is normally required. In similar fashion, the Belize Building Act, 2003 states that it is an Act to control building operations in the interest of public health and safety and to enable the introduction of regulations prescribing standards. It also establishes the Central Building Authority to administer the Act. The Professional Engineers Registration Board of Jamaica made the Professional Engineers (Code of Professional Conduct) Rules, 2004 under the Professional Engineers Registration Act which among other things state that a registered engineer shall work in conformity with accepted engineering and environmental standards and in a manner which does not jeopardize the welfare, health or safety of the public; and shall not associate himself with projects or enterprises which operate or will operate in a manner likely to endanger public health and safety or breach any relevant law.

VII. DISEASE CONTROL

There is no disputing the fact that disease prevention and control has always been at the forefront of health and health related legislation. However, in recent years the trend has been to seek to deal more effectively with hazardous substances, and to achieve this largely through the implementation into domestic legislation of relevant International Conventions as well as through amendment to earlier Acts. The Waste Management Act, 2005 of St Lucia, which provides for the management of waste in conformity with best environmental practices and establishes the Saint Lucia Waste Management Authority, replaces the Saint Lucia Waste Management Act, 1996. The St Vincent and the Grenadines Precursor Chemical Act, 2003 provides for the monitoring and control of precursor chemicals and other chemical substances used or capable of being used in any type of illicit transactions involving narcotic drugs and psychotropic substances or substances having a similar effect. The Act empowers the Minister to make Regulations for the adoption of international standards.

The Montreal Protocol (Substances that Deplete the Ozone Layer) Regulations 2005, a Statutory Instrument of St Vincent and the Grenadines made by the Minister responsible for Health and the Environment under the Montreal Protocol (Substances that Deplete the Ozone Layer) Act, 2003, prohibits a person from importing an ozone depleting substance unless that person is a registered importer and holds a valid ozone depleting substance license. A person is also prohibited from importing equipment requiring for its continued operation a supply of ozone depleting substances which are listed in the Schedule of the regulations unless the equipment is to be used for approved medical purposes. The concern for protection against ozone depleting substances is also seen in the Belize Pesticide Control (Amendment of Schedule) Order, 2005, which amends its Pesticides Control Act, where the classification of Methyl Bromide is amended with the remarks : “highly toxic; known ozone depletion substance, all uses are prohibited except for pre-shipment treatment of wood packing material or emergency actions as authorized by the Pesticides Control Board or supervised by the national competent authority responsible for agricultural health.”

Jamaica, in its Trade (Prohibition of Importation) (Halon) Order, 2002 prohibits the importation of virgin halon, which is an ozone depleting substance, and in its Trade (Prohibition of Importation) (Equipment Containing Chlorofluorocarbons) Order, 2002, which sets out prohibitions and restrictions concerning chlorofluorocarbons and other ozone-depleting substances. These Orders are made under Jamaica’s Trade Act.

Other important aspects of disease control are concerned with protection against bovine spongiform encephalopathy commonly called mad cow disease, and with the AIDS epidemic. Belize is in the forefront of the enactment of such legislation. The Belize Agricultural Health Authority Act prohibits the importation from affected countries of specified risk commodities set out in the Schedule, including ruminant animals, animal products from ruminant animals, and any other product containing animal protein from ruminants; the feeding of ruminant protein to animals in Belize is prohibited; and the preparation and use in Belize of animal feed containing animal protein is placed under the supervision of the Belize Agricultural Health Authority

Another Statutory Instrument made under the Belize Agricultural Health Authority Act, 1999 provides that an authorized officer shall take such samples as he deems necessary for the determination of biological residues and that he shall conduct a regular surveillance of the biological residues in animals being slaughtered, and ensure that the tolerance level of the biological residues which

may be present does not render the meat, poultry or meat produce unacceptable for human consumption.

The Belize National AIDS Commission Act, 2004 establishes the Belize National AIDS Commission charged with the duty of inter-sectoral coordination and facilitation of the implementation of a National AIDS Strategic Plan, development of AIDS policies and related legislation, the mobilization of resources for the purposes of the National AIDS Strategic Plan, advocacy and development of mechanisms for monitoring and stopping the spread of HIV and AIDS in Belize.

VIII. INSTITUTIONAL ASPECTS

Strengthening of the regulatory functions of health authorities was afforded prominent consideration during the past four years, with hospital legislation enacted to provide for the establishment of regulatory systems under the supervision of Authorities, Commissions, Boards, Committees and similar bodies to ensure more effective and efficient organization and administration of hospitals and other healthcare institutions. Where required to ensure manpower skills, registration requirement of health personnel was updated in amendment legislation, and nursing education was given greater prominence in legislation. Two such Acts enacted during the years under review which provide education and training in health and environmental sciences are the Dominica State College Act, 2002, which also addresses training in other areas, and the Saint Vincent and the Grenadines Community College Act, 2005. Among the areas in which the latter college shall provide education and training at the post secondary and tertiary levels are : agriculture; nursing; health and environmental science; teacher education; and educational administration.

The paucity of Acts dealing with health education enacted during the period under review may well be an indication that the education of nurses and other health personnel has been effectively dealt with in Acts preceding the year 2001 and that significant numbers of such personnel customarily receive their training at educational institutions in non-Caribbean jurisdictions.

The BVI Health Service Authority Act, 2004 established the British Virgin Islands Health Service Authority to provide for the administration of the Peebles Hospital and community health services. The Act established a Board appointed by the Minister to whom the responsibility for health is assigned. Among the functions of the Board are the determination of policies based on the health care needs of the territory; the management of the operations of the hospital and community health services; and the development and implementation of a quality

assurance programme for the Authority subject to such general policy objectives as the Minister may give.

The St Jude Hospital Act, 2003 of St Lucia provides for the establishment of a body corporate known as the St Jude's Hospital Board for the administration and management of the St Jude Hospital, and among other things sets fee schedules for outpatient visits, procedures, lab work, reports and any other matter subject to the approval of the Minister of Finance. The Private Hospitals and Nursing Homes Act, 2002 of Grenada regulates private hospitals and establishes a Private Hospitals Board to assist the Minister in matters relating to the administration of the hospitals. This Act empowers the Minister to issue a license for the use of any house as a private hospital, and requires that a medical practitioner must be in attendance at a private hospital whenever there are patients in the hospital. However, the Minister may grant exemption from that requirement to a private hospital that is a nursing home.

Dominica enacted the Hospitals and Health Care Facilities Act, 2002 to provide for the licensing of hospitals and health care facilities. The Act states specifically that it shall apply to the licensing of hospitals, health care facilities and other health establishments operated or maintained by the Government.

The Institution-Based Health Services (Management) Act, 2002 of St Kitts and Nevis establishes the Institution-Based Health Services Authority. The principal function of the Authority is to undertake the general management and administration of any institution-based health service, and among other things to ensure the collection of fees payable under this Act; to make recommendations and report to the Minister with regard to any matter directly or indirectly affecting any institution or the efficiency or improvement of the medical and support services including patients' rights. The Act establishes an Executive Management Committee the responsibilities of which include: to consider the functioning efficiency and improvement of the medical, surgical and allied services of any institution from the point of view of the patient and clinical and support services; to coordinate with the Ministry in the monitoring of activities to ensure the fulfillment of the community's needs for quality health care; to develop, upgrade and implement human resource policies and practices.

Acts for the registration of medical personnel have been in existence throughout the Caribbean for many years, and are amended, or repealed and replaced from time to time, when necessary. Grenada repealed its Midwives Act, Cap 194 and its Nurses Registration Act, Cap 214 and replaced them by the single

Nurses and Midwives Registration Act, 2003, which establishes the Nurses and Midwives Council of Grenada and introduces several more efficient regulatory features. Among the functions of the Council are to liaise with counterpart bodies in member States of the Organisation of Eastern Caribbean States (OECS) and of the Caribbean Community (CARICOM); to verify overseas training institutions' qualifications in nursing and midwifery that will be recognized for the purposes of this Act; and generally to ensure maintenance of standards in the nursing and midwifery professions in Grenada. The Medical (Amendment) Act, 2004 of Jamaica, made under the Medical Act amends the principal Act to require that a practicing certificate shall not be issued to a medical practitioner unless the Medical Council is satisfied that the medical practitioner has complied with the prescribed requirements for continuing medical education. The Bahamas by Statutory Instrument repealed and replaced the First Schedule of its Health Professionals Act, 1998, listing the various health professions and the authorized services offered by them respectively.

IX. DISASTER MANAGEMENT

Concern with providing effective organization of the preparedness, management, mitigation of and recovery from the effects of emergencies and disasters, natural and man-made, has resulted in the Agreement Establishing the Caribbean Disaster Emergency Response Agency prepared by CARICOM, to which territories have agreed, ratified, and in the period under review incorporated into domestic law, as has been done by Antigua and Barbuda. See also, for example, the Disaster Management Act, 2002 of Antigua, which incorporates into law the Agreement Establishing the Caribbean Disaster Emergency Response Agency establishes the office of Director of Disaster Preparedness and Response whose functions include, among others, the review and appraisal of various Government programmes and activities for the purpose of determining the extent to which these programmes and activities are contributing to the achievement of disaster preparedness and response policy; and establishing and maintaining a National Emergency Operations Centre to function as the Headquarters of the activities undertaken in response to a disaster emergency.

Belize in 2001 enacted a National Fire Service Act, 2001, which, in addition to protecting life and property endangered by fires, and extricating casualties from traffic accidents and collapsed buildings, provides additionally that the Minister may by Order require the National Fire Service to perform and provide additional duties and functions where in his opinion such additional duties and functions will prevent or mitigate the loss of life or property from fires and other disasters. The

Act defines “other disasters” to include “earthquakes, floods, hurricanes, windstorms, the escape of dangerous fumes or fluids, explosions, oil spills and other dangerous pollutants of the air or land and any other disasters.”

X. VIOLENCE

Violence in its several manifestations and its inevitable repercussions on the health and well-being of the community has led to the enactment of legislation incorporating into domestic law a number of relevant International Conventions.

Antigua and Barbuda, in its Resolution Ratifying the Inter-American Convention Against Terrorism, 2002, made under the Ratification of Treaties Act, Chapter 364, in accordance with the aims of the Convention seeks to prevent, punish and eliminate terrorism. Article II of the Convention states that applicable International Instruments include: Convention for the Suppression of Unlawful Seizure of Aircraft, 1970; Convention for the Suppression of Unlawful Acts Against the Safety of Civil Aviation, 1971; Convention on the Prevention and Punishment of Crimes Against Internationally Protected Persons Including Diplomatic Agents, 1973; International Convention Against the Taking of Hostages, 1979; Convention for the Suppression of Unlawful Acts Against the Safety of Maritime Navigation, 1988; International Convention for the Suppression of Terrorist Bombings, 1997; and the International Convention for the Suppression of the Financing of Terrorism, 1999.

Also in 2002, St Christopher and Nevis enacted the Anti-Terrorism Act, 2002 to give effect to the several United Nations Conventions and Protocols on the Suppression and Elimination of International Terrorism. The Act defined “terrorist activity” as an activity that is taken or threatened for political, religious or ideological purposes and threatens the public or national security by killing, seriously harming or endangering any person, or causing substantial property damage that is likely to seriously harm people. St Vincent and the Grenadines in 2002 enacted the Act Against the Taking of Hostages, 2002 in order to implement the International Convention Against the Taking of Hostages, 1979. It also enacted in the same year the United Nations (Anti-Terrorism Measures) Act, 2002 in order to implement the provisions of the International Convention for the Suppression of the Financing of Terrorism, 1999. This latter Act among other things prohibits the provision of resources and services to the benefit of terrorists; prohibits dealing with property owned, controlled by or on behalf of any terrorist or entity controlled by terrorists; and prohibits the supporting of terrorists in any other way.

The Firearms Act, 2003 of St Lucia gives legal effect to, and provides for the implementation of the Inter American Convention against the Illicit Manufacturing of and Trafficking in Firearms, Ammunition, Explosives and other Related Materials. Certain exemptions apply where the appropriate authority is satisfied that a person who applies for a firearm license is fit to possess a firearm. St Lucia also enacted in 2003 its National Crime Commission Act, 2003, thereby establishing the National Crime Commission, having among its functions the examination of specific strategies to enhance the role of the church, the school, family and civic organizations in forging a national culture against crime and violence and making recommendations to the Minister; and examining appropriate local regional and international research on crime and related matters and making recommendations for improving government policy to the Minister.

Other types of legislation aimed at curbing violence have been enacted. The control of dangerous dogs has also been dealt with in legislation in, for example, The Dogs (Registration and Control) Act, 2002 of Grenada. The Act prohibits the importation into Grenada of a dangerous dog or the semen or embryo of a dangerous dog. The term “dangerous dog” has been defined in the Schedule of the Act. A person who owns a dangerous dog must ensure that the dog is neutered by a veterinary surgeon, and the owner must have in force in relation to the dog a policy of insurance that provides coverage in respect of each claim for injury or death caused by that dog in the sum of not less than \$250,000 or such other sum as the Minister of health may prescribe.

XI. STANDARDIZATION

The trend towards increased standardization of products and services occasioned by the Caribbean Single Market and Economy (CSME) has seen the enactment of domestic legislation implementing the Agreement Establishing the CARICOM Regional Organization for Standards and Quality which has been signed by the CARICOM Member States. Jamaica in its CARICOM Regional Organizations for Standards and Quality Act, 2004 gives effect to the Agreement by incorporating it into domestic law. Territories will normally have enacted legislation governing standards prior to 2001, and will make Regulations under those Acts at appropriate times. For Trinidad and Tobago Standards Regulations 2004 made under the Standards Act, 1997 empowers the Minister by Order, and on the recommendation of the Bureau of Standards, to prescribe other standard marks, and provides that the Bureau may in appropriate instances, as identified in the Regulations, undertake inspection of premises, raw materials and components. The St Lucia Standards Act, 1990, enacted for the purpose of protecting the

consumer or user against danger to health or safety, was not brought into force until 2001.

Other legislation designated as dealing with consumer produce safety can legitimately be subsumed under the rubric standardization, as for example the Consumer Affairs Act, 2003 of St Christopher and Nevis. The Act states that it provides for the rights and obligations of consumers, sellers and suppliers of goods and services. "Safety" in relation to a product is defined as including safety with respect to products comprised in that product and safety in the context of risks of damage to property or to risks of death or personal injury. The Minister responsible for consumer affairs after consulting with the National Bureau of Standards may make consumer safety Regulations to ensure that goods are safe. This applies to goods other than a growing crop; water; food; fertilizers and dangerous drugs.

St Vincent and the Grenadines has amended its Consumer Protection (Bureau of Standards) Act 1992 by its Consumer Protection (Bureau of Standards) (Amendment) Act, 2001 to provide for the establishment of a National Standards Council with functions of, among other things, promoting public and individual welfare, health and safety in order to safeguard the environment and to promote the general adoption and implementation of standards relating to structure, goods, materials, processes, practices, operations and other matters on a national and international level.

XII. ACCESS TO HEALTH CARE; INSURANCE; AND, CIVIL SOCIETY PARTICIPTION

Health care based on the public health system has been accessible free of cost to the populations of the CARICOM countries through public hospitals and health clinics. Legislation supporting such public health systems has been in operation for decades. Legislation enacted in most territories prior to 2001 have also established National Insurance Schemes which generally operated as social insurance programmes for employees. The content of a National Insurance Scheme is typically as stated in the St Lucia National Insurance Regulations, 2003 made under the National Insurance Corporation Act, 2002. Provision is made for the regulation of employers and employees and the collection of contributions and the payment of benefits, they being : sickness benefit; invalidity benefit; maternity benefit; survivor's benefit; funeral benefit; and employment injury benefit.

In 1996, States Parties of the Organization of Eastern Caribbean States (OECS) signed the Convention on Social Security of the Organization of Eastern Caribbean States. The provisions of the Agreement apply to the following payments of social security : Invalidity pensions; disablement pensions; old age or retirement pensions; survivors' pensions; and death benefits in the form of pensions. If a recipient of any of these benefits stays or resides in a territory of a participating State other than the competent State, administrative and medical supervision shall be exercised at the request of the competent institution by the institutions of the place of stay or residence in accordance with rules laid down by the legislation which the latter institution applies. St Lucia in 2001 enacted the Convention on Social Security in the Organization of Eastern Caribbean States Act, 2001 to give effect to, and to provide for the implementation of the Convention. Similarly Grenada by its Social Security (CARICOM Agreement) Act, 2002 gave effect to the CARICOM Agreement on Social Security, as did Dominica by its CARICOM Agreement on Social Security Act, 2002.

In 2001 Belize amended its Social Security Act, Chapter 44 by the Social Security (Amendment) Act, 2001 to provide for a National Health Insurance Scheme. The amended Act provides that the following health and services shall be provided by contracted NHI health care providers to NHI beneficiaries as appropriate; primary health care services, including general medical or clinical practice services from public health centres or polyclinics or from private premises in Belize as identified by the Minister of Health and as recognized by the Board for the provision of such services; hospital outpatient and inpatient services at public or private health care facilities including the services of health care professionals, diagnostic treatment and emergency services; diagnostic laboratory and other medical examination services of public and private health facilities; prescription drugs and biologicals. The Board may, subject to the recommendations of the national referral hospital, approve the provision of certain services outside Belize when the same are not available in Belize.

Insufficiency of funds to maintain comprehensive free health services to the population at large is placing a severe strain on some Governments. The St Jude Hospital Act, 2003 of St Lucia has introduced fees for outpatient visits, procedures, lab work, reports and such other matters as may be approved by the Minister. However, it is not yet a common practice during the period under review for public institutions to offer fee-based services.

A new mechanism to facilitate civil society participation is seen in the Social Development Fund Act, 2003 of St Vincent and the Grenadines. This Act

establishes a Social Development Fund managed by a Board of Directors to create an autonomous decentralized mechanism whereby community-based development institutions will be facilitated in their design and implementation. The Fund also aims to establish an efficient complementary and demand-driven mechanism for delivering basic services and infrastructure to the poor and needy utilizing non-governmental resources for the improvement of living conditions of the poor, by funding social and economic infrastructural sub-projects, and by the promotion of community participation.

Another act similarly concerned with community participation is St Lucia's National Community Foundation Act, 2002 which establishes the National Community Foundation as a non-profit and autonomous institution to provide direct support services to enhance the quality of life of the poor and needy. The Foundation is a body corporate established by the National Insurance Board. Among the main functions of the Board are to mobilize resources from private citizens and contributions locally or otherwise; to evaluate and help to coordinate the services of community based agencies; and to identify and address established needs in the areas of education, social services, community development and environment and civil affairs.

The National Health Fund Act, 2003 of Jamaica provides for the implementation of a contributory National Health Insurance Plan called the National Health Fund, for the benefit of all residents of Jamaica. The objectives of the Fund include the provision of prescribed health benefits to all residents regardless of age, gender, wealth, or economic status; the provision of greater access to medical treatment and preventative care for specified diseases and special medical conditions; the provision of support to health services; and the promotion and encouragement of the utilization of primary health care to improve the quality of life of the island's population. The Executive Agencies Act, 2002 of Jamaica is primarily to make provision for the establishment and operation of Executive Agencies. The Act states that the Minister responsible for the public services may by Order designate one or more public bodies as executive agencies, and that he may after consultations with persons likely to be affected thereby, make schemes for the award of pensions, gratuities and other retiring or disability benefits to persons in the employment of executive agencies.

Health care can be considered as closely allied to disease prevention through health promotion and the maintenance of a healthy lifestyle. Very relevant in this context is the St Vincent and the Grenadines Activity Centre Trust Act, 2003 which establishes the St Vincent and the Grenadines Activity Centre Trust to assume

responsibility for the establishment and management of such number of activity centres as it considers necessary with a view to providing recreational, social and other activities to the elderly. The Board of Trustees comprise, among others, a representative from the National Insurance Board and one from the Ministry Responsible for Health.