



Children's right to health and right to adequate, nutritious food in Barbados Barbados - 4th cycle Universal Periodic Review (UPR)

This report is submitted by the Barbados-based Healthy Caribbean Coalition (HCC), Heart and Stroke Foundation of Barbados (HSFB) and the Law and Health Research Unit (LHRU), Faculty of Law, University of the West Indies Cave Hill Campus.

HCC, registered in 2012, is a Caribbean non-communicable diseases (NCDs) alliance comprising over one hundred health and other civil society organisations (CSOs). HCC works closely with regional and international leaders in NCD prevention and control to leverage the power of civil society to implement programmes aimed at reducing NCD-related morbidity and mortality. Two of HCC's priority programme areas are healthy food policy, and supporting good governance in NCD prevention and control including managing conflicts of interest. In 2017, HCC launched the Civil Society Action Plan for Preventing Childhood Obesity in the Caribbean which, *inter alia*, supports advocacy initiatives to create environments that foster the accelerated realisation of rights-compliant, evidence-based policies for access to nutritious food, reduction of rates of obesity and NCDs, and the achievement of the 25 by 25 NCD targets and the 2030 SDGs.

HSFB was established as a non-governmental organisation in 1985. The need for the Foundation became critical when heart disease and heart attacks were identified by Barbados' Chief Medical Officer as the nation's leading cause of death for several consecutive years. HSFB's clinical programme overtime expanded to include behaviour change activities, and advocacy related to policy and legislative reforms that support health. HSFB introduced the Childhood Obesity Prevention (COP) Programme in 2018 to address the alarming rates of childhood obesity in Barbados. COP focuses on developing mass media campaigns to increase awareness of the health risks connected to consumption of sugar-sweetened beverages, and promotes sustainable evidence-based policies to curb childhood obesity.

The LHRU was launched in July 2021 and seeks to build awareness and advance the use of law as a tool to protect and promote health and support a 'health in all policies' approach to policymaking and legislative action. LHRU provides technical expertise related to childhood obesity and NCD prevention and control from an international human rights perspective, including the legislative process. It also offers training on these issues through the development, rollout, and facilitation of short courses and webinars for legal and public health professionals; and participates in a range of CSO-led advocacy activities in Barbados and the wider Caribbean.

Executive Summary

Key words: right to health; right to food; children’s right to adequate, nutritious food; front-of-package warning labelling; healthy school food environments; marketing of unhealthy foods to children; taxes on sugar-sweetened beverages; industry interference.

1. This joint written submission is hereby presented to the Human Rights Council for consideration during the 4th cycle of the Universal Periodic Review (UPR) of Barbados to highlight the alarming, growing prevalence of overweight and obesity, which are major risk factors for many non-communicable diseases (NCDs), among children in Barbados as undermining children’s right to health and right to adequate, nutritious food, and to urge the Government of Barbados to make further urgent and concrete interventions to address this crisis. This submission is in part related to recommendation 96.87 of the 3rd cycle of the UPR of Barbados that the Government of Barbados continue to advance in its successful social policies, especially in the areas of economic, social and cultural rights, in order to provide the greatest possible welfare to its population.

2. Eleven years ago, the Global School-based Student Health Survey 2011 conducted among students aged 13-15 in Barbados revealed that 31.9% were overweight and 14.2% were obese.¹ More recently, the 2022 World Obesity Atlas, 2022, noted that in the region of Americas, Caribbean countries disproportionately make up the top 10 countries for projected childhood (5-19 years old) obesity rates by 2030 and Barbados sits at tenth place with a projection of 22% based on an annual increase in childhood obesity of 4.5% each year until 2030.² 8 out of 10 deaths in Barbados are caused by non-communicable diseases (NCDs).³ 1 in 5 adult Barbadians has diabetes, 66% are overweight, and 33% are obese.⁴

3. The high and increasing incidence of overweight and obesity among children is a critical challenge to public health and sustainable development in Barbados. Overweight and obesity put the present and future health of children at risk. Obesity in childhood also increases the child’s risk of being overweight or obese in adulthood and developing NCDs.⁵

4. This submission calls on the Government of Barbados to accelerate steps to create a legal and policy environment that respects, protects and fulfils the right to health and the right to adequate, nutritious food for all persons in Barbados, with emphasis on children who are

¹ Global School-based Student Health Survey 2011, Barbados, Factsheet available on WHO website at:

<<https://extranet.who.int/ncdsmicrodata/index.php/catalog/80/related-materials>>

² World Obesity Atlas 2022, published by the World Obesity Federation in March 2022, available at

<<https://data.worldobesity.org/publications/World-Obesity-Atlas-2022-updated.pdf>>

³ World Health Organisation (WHO). 2018. Noncommunicable Diseases 2018 country profile, available at:

<<https://www.who.int/publications/m/item/noncommunicable-diseases-brb-country-profile-2018>>

⁴ Barbados Health of the Nation Survey conducted by the Chronic Disease Research Centre and the Faculty of Medical Sciences, University of the West Indies (UWI), Cave Hill, published by UWI in 2015, available at

<http://www.healthycaribbean.org/newsletters/aug-2015/CDRC_HealthOfTheNationSurvey.pdf>

⁵ Singh AS, Mulder C, Twisk JW, van Mechelen W, Chianpaw MJ, Tracking of childhood overweight into adulthood: a systematic review of the literature. *Obes Rev.* 2008,9(5):474-488.

particularly vulnerable to diet-related NCDs, through implementation of evidence-based measures to reduce the consumption of unhealthy foods, including:

- a) octagonal high-in monochromatic front-of-package warning labels on ultra-processed foods as defined by the PAHO Nutrient Profile model;
- b) healthy school food environments, through the implementation of the recently approved National School Nutrition Policy, and the passage of laws and regulations to enforce healthy school food environments;
- c) restricting the marketing of unhealthy foods and sugar-sweetened beverages to children;
- d) strict implementation and enforcement of the WHO-recommended 20% tax on sugar-sweetened beverages, recently-introduced by the Government of Barbados; and
- e) prohibitions on conflict of interest (COI) and interference by the food and beverage industry in public health policy-setting and implementation.

5. Laudably, on 14th March 2022, as part of her budget presentation, Barbados Prime Minister Mia Mottley announced an increase in the sugar-sweetened beverage ad valorem tax to 20%, increased further from a 10% tax instituted in 2015. Additionally, a new National School Nutrition Policy has been announced with some measures taken towards implementation, and discussions on a phased approach to its implementation beginning in the 2022-2023 academic year. In June 2022, Barbados also voted in support of a CARICOM regional labelling standard which contained the octagonal high-in warning label model, even though the attempt to reach regional consensus failed.

Evidence-based measures that should be implemented in order to realise children’s right to health and right to adequate, nutritious food

6. Overweight and obesity are major risk factors for many non-communicable diseases (NCDs) including diabetes, cardiovascular disease, and some types of cancer. An unhealthy diet is a major modifiable risk factor contributing to the high rates of overweight and obesity. An unhealthy diet is fuelled by the widespread availability, accessibility, affordability, marketing and consumption of sugar-sweetened beverages and processed and ultra-processed foods which typically contain high levels of nutrients of concern, namely free sugars, total fats, saturated fats, trans fats and sodium.

7. The *Statement by the UN Special Rapporteur on the right to health on the adoption of front-of-package warning labelling to tackle NCDs* (27 July 2020) highlights children’s particular vulnerability to diet-related NCDs:

“Children are especially vulnerable to diet-related NCDs because they may be dependent on others, such as parents or schools, for food, and because they are more susceptible to marketing strategies. In addition to immediate detrimental effects on

children’s health, unhealthy diets can have severe health consequences later in life due to the early formation of eating habits and preferences, and because childhood NCDs are likely to persist into adulthood.”⁶

8. In order to combat childhood overweight and obesity, the Government of Barbados must implement evidence-based measures to reduce the consumption of unhealthy foods, including through the introduction of octagonal high-in monochromatic front-of-package warning labels on ultra-processed foods as defined by the PAHO Nutrient Profile model; laws and policies for healthy school food environments; legal restrictions on marketing of unhealthy foods and sugar-sweetened beverages to children; implementation of the WHO-recommended 20% tax on sugar-sweetened beverages; and legal prohibitions on conflicts of interest (COI) and interference by the food and beverage industry in policy development and implementation.

Front-of-package warning labelling

9. Front-of-package warning labelling is one of the most effective interventions recommended by PAHO and WHO to combat overweight and obesity. Scientifically-supported labelling of ultra-processed foods is required to ensure that consumers, within the limited time they have available to make a purchase decision, have access to nutrition information that is easy to identify and understand, and is not concealed, manipulated or disguised by the food industry. The octagonal seal with the health warning "HIGH IN" has proven effective in Chile, a pioneering country in its implementation. Front-of-package nutritional warning systems are supported by PAHO.⁷ In fact, a 2021 Jamaican study⁸ led by the University of Technology, Jamaica, the Ministry of Health and Wellness, Jamaica and PAHO found that octagonal high-in warning labels were superior to other labelling systems having consistently outperformed the traffic light system, magnifying glass system and facts up front system.

10. The *UN Special Rapporteur on the right to health on the adoption of front-of-package warning labelling to tackle NCDs* has urged that “States cannot remain passive in the face of NCDs” and “should adopt an integral approach to reduce the consumption of unhealthy food products through the use of a broader set of laws and regulations [including] front-of-package warning labelling [which] is a key measure for States to tackle the burden of NCDs.”

11. The *UN Special Rapporteur on the right to health on the adoption of front-of-package warning labelling to tackle NCDs* informs that “front-of-package warning labelling should follow the best available evidence free from conflicts of interest, as a mechanism through which healthy choices can become the easier and preferred option” and accordingly, “States should decisively counter undue influence of corporations on government decision-making by

⁶ Statement by the United Nations Special Rapporteur on the right to health on the adoption of front-of-package warning labelling to tackle NCDs (27 July 2020), available at <<https://www.ohchr.org/en/statements/2020/07/statement-un-special-rapporteur-right-health-adoption-front-package-warning>>

⁷ Front-of-package labelling as a policy tool for the prevention of NCDs in the Americas, PAHO, 2020, available at <https://iris.paho.org/bitstream/handle/10665.2/52740/PAHONMHRF200033_eng.pdf?sequence=6>

⁸ Superior Efficacy of Front-of-Package Warning Labels in Jamaica, PAHO, 2021, available at <<https://iris.paho.org/handle/10665.2/53328>>

strengthening legal frameworks and safeguard the policies that protect the right to health, such as the front-of-package warning labelling, from commercial and other vested interests of the food and beverage industry.”⁹

Healthy school food environments

12. According to the UN Food and Agricultural Organisation (FAO): “Food environments shape how accessible, affordable, desirable and convenient specific foods are. A healthy school food environment allows and encourages the school community (children, families, school staff, etc.) to make food choices that are consistent with better diets and improved wellbeing.”¹⁰ This is supported by the reasoning in the United Nations Children’s Fund (UNICEF) 2021 *Policy brief on Marketing of unhealthy foods and non-alcoholic beverages to children* which explains that:

“Food environments around the world make it harder and harder for children to access and afford healthy diets that appeal. Fuelled by the actions of a powerful food and beverage industry, the globalisation of food systems is driving a transition towards unhealthy food environments where highly processed, unhealthy foods and beverages are now more available, convenient, cheaper, and promoted than ever before. This transition of food environments has precipitated a global shift towards unhealthy diets which have become the major driver of overweight, obesity and diet-related NCDs around the world.”¹¹

13. The school environment is one of the settings in which children spend the majority of their time and in which food is available to be purchased or is provided through a school-feeding programme. It is a space where either positive or negative eating habits can be established from an early age. Hence, the food and beverage industry aims their greatest corporate advertising and marketing efforts at the school environment to capitalise on the opportunity to attract long-term customers through the creation of consumption habits in childhood, brand recall and brand loyalty. For these reasons, UNICEF emphasises that:

“To curb this shift towards unhealthy diets, the World Health Organisation (WHO) has urged its member states to implement a comprehensive suite of food environment regulations and policies. Evidence-based policies include the implementation of a government-led, mandatory FOPNL [front-of-pack nutrition labelling] system for packaged foods and beverages, food and beverage taxes, and marketing restrictions on unhealthy foods and beverages.”¹²

⁹ Statement by the United Nations Special Rapporteur on the right to health on the adoption of front-of-package warning labelling to tackle NCDs (27 July 2020), available at <<https://www.ohchr.org/en/statements/2020/07/statement-un-special-rapporteur-right-health-adoption-front-package-warning>>

¹⁰ *Healthy food environment and school food*, FAO, available at <<https://www.fao.org/school-food/areas-work/food-environment/en/>>

¹¹ UNICEF’s *Policy brief on Marketing of unhealthy foods and non-alcoholic beverages to children*, UNICEF, 2021, available on the UNICEF website at <<https://www.unicef.org/media/116691/file/Marketing%20restrictions.pdf>>

¹² UNICEF’s *Policy brief on Marketing of unhealthy foods and non-alcoholic beverages to children*, 2021, available at <<https://www.unicef.org/media/116691/file/Marketing%20restrictions.pdf>>

Marketing of unhealthy foods to children

14. UNICEF's *Policy brief on Marketing of unhealthy foods and non-alcoholic beverages to children* explains that:

“Consistent evidence from around the world shows that the majority of food and beverage marketing, across all media and settings, is classified as unhealthy and dominated by ultra-processed foods. Both younger and older children up to the age of 18 years are exposed to large volumes of unhealthy food marketing, with negative consequences for their diets and health. Clear evidence shows that unhealthy food marketing is highly persuasive and powerful in influencing children. It creates social norms around foods and eating, increases children’s preference and consumption for ultra-processed foods, and increases total energy intake. Across the life course this leads to weight gain and an increased risk of overweight and obesity, as well as a range of NCDs such as type 2 diabetes, cardiovascular diseases and some forms of cancer.”¹³

15. UNICEF and WHO urge States to restrict marketing of unhealthy foods to children. WHO, notes that as of May 2022, a total of 60 countries have adopted policies that restrict marketing of food and nonalcoholic beverages to children. Twenty of these countries have mandatory marketing restriction policies and another 18 have mandatory policies in the school setting. Barbados must heed the urgent call to save its children from the scourge of NCDs.

Managing conflicts of interest and industry interference in food policy

16. According to the *Statement by the UN Special Rapporteur on the right to health on the adoption of front-of-package warning labelling to tackle NCDs* (27 July 2020) “the food and beverage industry continues to strongly and extensively oppose front-of-package warning labelling regulations” by employing measures such as “sponsoring research to downplay links to health problems” and campaigns based “misinformation and pressure” which “interfere with States’ efforts to adopt public health laws, regulations and policies” including by “directly influencing government decision-making processes.”¹⁴ This was recently experienced in the Caribbean in relation to an attempt by the CARICOM Regional Organisation for Standards and Quality which engaged in a process to arrive at a regional labelling standard for ultra-processed foods based on the PAHO-recommended ‘high in’ octagonal model.

17. In 2018, the CARICOM Regional Organisation for Standards and Quality (CROSQ) began a process to approve a regional labelling standard for ultra-processed foods based on the ‘high in’ black octagonal model for products high in salts, fats and sugars. The process stalled in 2022 following a regional vote in which CARICOM member states were unable to reach a consensus

¹³ UNICEF's *Policy brief on Marketing of unhealthy foods and non-alcoholic beverages to children*, 2021, available at <<https://www.unicef.org/media/116691/file/Marketing%20restrictions.pdf>>

¹⁴ *Statement by the UN Special Rapporteur on the right to health on the adoption of front-of-package warning labelling to tackle NCDs*, available on Office of the United Nations High Commissioner for Human Rights website at <<https://www.ohchr.org/en/statements/2020/07/statement-un-special-rapporteur-right-health-adoption-front-package-warning#:~:text=States%20cannot%20remain%20passive%20in,tackle%20the%20burden%20of%20NCDs>>

on the final draft regional standard which contained the scientifically-backed octagonal high in warning label model and the PAHO nutrient profile model to define nutrient thresholds. Despite strong public health and civil society support¹⁵, some actors in the private sector strongly opposed the warning labels proposed in the standard and lobbied for alternative models and additional research¹⁶. Despite strong public health and civil society support, some actors in the private sector strongly opposed the warning labels proposed in the standard and lobbied for alternative models and additional research. Eventually, although a number of countries voted in favour of the final draft standard, many abstained from the vote, while others voted against the standard. Commendably, Barbados voted in favour of the proposed regional standard, after allowing for balanced public health, academic and CSO representation on the national committee that considered the proposed labelling standards and all of the available scientific evidence (free from conflicts of interest) and advised the Government.

18. Bearing in mind the relatively small size of their economies, and industry's important role as a driver of the economy, it is perhaps not surprising that CARICOM governments enjoy a special relationship with the private sector with private industry being treated as key partners and allies of government in the joint enterprise of economic development. What is of particular concern in this context is the potential that exists for the private sector to (formally and informally) access and influence policymaking at the national and regional level (including policies which directly and indirectly affect children such as school policies and policies which seek to regulate marketing to children) and advance their financial and other interests at the expense of those of the wider society. To guard against such an occurrence, there must be appropriate checks and balances to help insulate policymaking from any potential conflict of interest or undue influence in policymaking, and measures to ensure that private sector is aware of its impacts and responsibilities in relation to human rights.¹⁷

19. The recent report from the business and human rights working group on *Corporate influence in the political and regulatory sphere: Ensuring business practice in line with the Guiding Principles on Business and Human Rights* iterated that the "likelihood of corporate political engagement leading to adverse human rights impacts can be heightened where businesses' products or services pose elevated and inherent risks to the health of people and/or the environment." In this regard, the report highlighted as examples the "alcohol, tobacco, fossil fuel and ultra-processed food and beverage products industries – which are sometimes termed "unhealthy commodity industries", based on their links to non-communicable diseases". It went on to note that "Because strong regulatory action from States is crucial to safeguarding against potential human rights harms linked to unhealthy commodity industries, business efforts to influence policy in favour of these business interests may carry a

¹⁵ Front-of-Package Warning Labelling (FOPWL), HCC, available at <<https://www.healthycaribbean.org/front-of-package-warning-labelling-fopwl/>>

¹⁶ Front-of-Package Warning Labelling (FOPWL), HCC, available at <<https://www.healthycaribbean.org/front-of-package-warning-labelling-fopwl/>>

¹⁷ Nicole Foster, Andres Constantin & Shajoe Lake, 'Caricom's Efforts to Tackle Unhealthy Diets: A Cautionary Tale for Latin America ' 8 JOURNAL OF INSTITUTIONAL STUDIES 2 (2022) 254 doi: 10.21783/rei.v8i2.663

particular risk of facilitating human rights harms”.¹⁸

Government’s commitments

20. Member States adopted the United Nations Agenda for Sustainable Development which promulgated Sustainable Development Goal (SDG 2) which aims to “end hunger, achieve food security and improved nutrition, and promote sustainable agriculture”; and Sustainable Development Goal 3 (SDG 3) to “ensure healthy lives and promote well-being for all at all ages”, which requires States to, by 2030, reduce by one third premature mortality from non-communicable diseases through prevention and treatment and promote mental health and well-being (target 3.4). The findings of *2021 Report by the WHO Director-General on the Political Declaration [on NCDs]* are alarming. The Report informed that, in relation to target 3.4, only 17 countries are on track to meet that target for women and 15 for men; and that since 2000, the prevalence of obesity among adults (18 years and older) globally has increased 1.5 times and the prevalence in children (5–18 years) more than doubled (from 2.9% to 6.8%) in 2016.¹⁹

21. On 27 September 2018, the UN General Assembly adopted the *Political Declaration approved by the Third High-Level Meeting of The General Assembly on The Prevention and Control of Non-Communicable Diseases*. In this Declaration, the Heads of State and Government (HoSG) and representatives of States and Governments “reaffirm[ed] the right of every human being, without distinction of any kind, to the enjoyment of the highest attainable standard of physical and mental health and recognise[d] that health is a precondition for and an outcome and indicator of all three dimensions of sustainable development” and committed to “promote and implement policy, legislative and regulatory measures... aim[ed] at minimising the impact of the main risk factors for non-communicable diseases, and promote healthy diets and lifestyles”.

22. Barbados is a member State of the Caribbean Community (CARICOM). The Caribbean Community (CARICOM) HoSG in the *2007 Declaration of Port-of-Spain: Uniting to stop the epidemic of chronic NCDs* emanating from a special regional summit on NCDs, “impelled by a determination to reduce the suffering and burdens caused by NCDs on the citizens of our Region which is the one worst affected in the Americas” committed to, among other things, to “provide incentives and resources to... ensure that our education sectors promote programmes aimed at providing healthy school meals and promoting healthy eating”; “support... mandating the labelling of foods or such measures as are necessary to indicate their nutritional content through the establishment of the appropriate regional capability”; and “embrace the role of the media as a responsible partner in all our efforts to prevent and control NCDs”.

¹⁸ Corporate influence in the political and regulatory sphere: Ensuring business practice in line with the Guiding Principles on Business and Human Rights, UN General Assembly doc. A/77/201, 20 July 2022, available at <<https://documents-dds-ny.un.org/doc/UNDOC/GEN/N22/432/83/PDF/N2243283.pdf?OpenElement>>

¹⁹ Report by the Director-General on Political declaration of the third high-level meeting of the General Assembly on the prevention and control of non-communicable diseases, 13 January 2021, available on the WHO website at <https://apps.who.int/gb/ebwha/pdf_files/EB148/B148_7-en.pdf>

23. CARICOM HoSG, including Barbados, have also acknowledged the urgency of childhood obesity and committed to respond through strong policy action as evidenced by the following excerpts from various Communiqués. In 2016, at the 37th Regular Meeting of CARICOM Heads of Government, HoSG committed "to address issues such as banning advertisement of potentially harmful foods which specifically target children; and elevating taxes on foods high in sugar, salt and trans-fats". In the following year, 2017, during the anniversary of the Port of Spain Declaration, HoSG, "noted with concern that obesity in children represented the greatest threat to the health of future generations with the level of overweight and obesity being more than 30% in both primary and secondary school populations in many Member States...and urged the promotion of physical exercise among school-age children." In 2018, HSoG, at the 39th Regular Meeting of CARICOM Heads of Government, preceding the 3rd UN High Level Meeting on NCDs, endorsed a number of priorities for the 3rd UN High Level Meeting on NCDs including "implementing policies geared to preventing childhood obesity, including health-promoting school environments and front-of-package labelling."

Human rights at stake

Right to health

24. The right to health is a fundamental human right. Article 12 of the International Covenant on Economic, Social and Cultural Rights (ICESCR), widely considered as the central instrument of protection for the right to health, recognises "the right of everyone to the enjoyment of the highest attainable standard of physical and mental health" and highlights the duty to ensure "the healthy development of the child". Moreover, the Convention on the Rights of the Child (CRC), specifically Articles 3, 17 and 24, provides for children's right to health in the context of access to adequate, nutritious food. Both conventions recognise the particular health-related vulnerabilities of children and recognise the obligation of States to reduce infant and child mortality, and to combat disease and malnutrition.

25. *General Comment No. 14 on The Right to the Highest Attainable Standard of Health* (Art. 12) [ICESCR] highlights that "the obligation to protect requires States to take measures that prevent third parties from interfering with article 12 [ICESCR] guarantees" and that "the obligation to fulfil requires States to adopt appropriate legislative...and other measures towards the full realisation of the right to health"²⁰ The former obligation is important to pinpoint in light of the food and beverage industry's interference with the right to health through marketing of unhealthy foods, their failure to properly inform the consumer through packaging and labelling about the nutritional content and health impacts of their ultra-processed foods, and their interference with policymaking related to food. The latter obligation ties into the urgent call in the *Statement by the UN Special Rapporteur on the right to health on the adoption*

²⁰ [1] See paragraph 33 of CESCR General Comment No. 14: The Right to the Highest Attainable Standard of Health (Art. 12) Adopted at the Twenty-second Session of the Committee on Economic, Social and Cultural Rights, on 11 August 2000 (Contained in Document E/C.12/2000/4), available at <<https://www.refworld.org/pdfid/4538838d0.pdf>>.

of front-of-package warning labelling to tackle NCDs (27 July 2020) to adopt appropriate regulation for the “use [of] clear and accurate product labelling and information that allow parents and children to make informed consumer decisions” and the need for laws that regulate the marketing of unhealthy foods to children and the school food environment, as the Statement notes, “it is the duty of States to ensure that marketing and advertising do not have adverse impacts on children’s rights”.²¹

Right to adequate, nutritious food

26. The right of every person to adequate food and nutrition is one of the most important human rights. This right forms part of our economic, social, cultural and environmental rights and is interrelated with other rights such as the rights to life, health and water. The human rights framework that develop this right, include the International Covenant on Economic, Social and Cultural Rights (ICESCR), General Comment No. 12 of the United Nations Committee on Economic, Social and Cultural Rights (CESCR), the Voluntary Guidelines to Support the Progressive Realisation of the Right to Adequate Food in the Context of National Food Security of the FAO, and the FAO Committee on World Food Security's Voluntary Guidelines on Food Systems and Nutrition.

27. The UN Factsheet on the Right to Adequate Food explains that “Adequacy means that the food must satisfy dietary needs, taking into account the individual’s age, living conditions, health, occupation, sex, etc. For example, if children’s food does not contain the nutrients necessary for their physical and mental development, it is not adequate. Food that is energy-dense and low-nutrient, which can contribute to obesity and other illnesses, could be another example of inadequate food.”²²

Recommendations

28. We draw the attention of the Government of Barbados to the need for equity and human rights to serve as the overarching principles for NCD prevention, and to create environments and systems that support the right to health and right to adequate, nutritious food.

29. We recall the Government of Barbados’ commitments and obligations relating to the right to health and the right to adequate, nutritious food and call on them to strengthen actions that are mutually reinforcing for both areas.

30. We commend the Government of Barbados for approving a National School Nutrition Policy, and encourage them to ensure the timely promotion and strict implementation of the Policy, and to consider enacting laws that would allow the food and beverage industry to be held legally accountable for contraventions, such as advertising, promotion and sponsorship activities in the school environment.

²¹ Statement by the UN Special Rapporteur on the right to health on the adoption of front-of-package warning labelling to tackle NCDs, available at <<https://www.ohchr.org/en/NewsEvents/Pages/DisplayNews.aspx?NewsID=26130&LangID=E>>

²² UN Factsheet on the Right to Adequate Food <<https://www.ohchr.org/sites/default/files/FactSheet34en.pdf>>

31. Based on the evidence and the recommendations from PAHO/WHO, CARPHA and UNICEF that unhealthy food marketing is highly persuasive and powerful in influencing children by increasing their preference for and consumption of ultra-processed foods, we urge the Government of Barbados to regulate the marketing, promotion and sponsorship activities of the food and beverage industry.

32. We express our deep concern about the food and beverage industry's interference in public health policy development and implementation, and strongly urge the Government of Barbados to enact laws and policies to protect decision making processes in a manner that ensures there is no privileged participation by the private sector. Strong laws regarding conflict of interest policies and access to information will serve to enforce transparency and accountability in public policymaking processes, including in relation to preventing, mitigating and managing conflicts of interest. Further, the private sector, including the food and beverage industry, must themselves adhere to human rights obligations.

33. We draw the attention of the Government Minister with responsibility for Health that there is power under *Health Services Act, Cap 44*, to may make regulations for the prevention, treatment, limitation and suppression of non-communicable diseases, and to suggest that these powers be used to pass regulations for front-of-package warning labelling, regulating school food environments, prohibiting the marketing of unhealthy foods to children, and prohibiting the involvement of industry in health policy development and implementation.

34. We urge the Government of Barbados to pass laws to give effect to the PAHO recommendation for octagonal high-in monochromatic front-of-package warning labels (FOPWL) on ultra-processed foods as defined by the PAHO Nutrient Profile model in order to enable children, their parents and society as a whole to make informed choices towards healthy diets.

35. We endorse the Government of Barbados' employment of a fair and balanced process in relation to the consideration of a CARICOM standard for packaging and labelling of ultra-processed foods, and exhort the Government to continue to ensure that decisions related to front-of-package warning labels are made based on evidence and human rights, and free from industry interference and conflict of interest.

36. We urge the Government of Barbados in partnership with key stakeholders such as the University of the West Indies, to prioritise data collection (special studies and routine surveillance) related to childhood obesity (disease burden, risk factors etc.) to better understand the current situation and to adequately measure the impact of public health interventions.