

Comparative Analysis Results of Seven Countries in Western Pacific Region: China, Hong Kong, Macao, Japan, Singapore, Fiji

26 December 2014
SoYoon Kim, Yonsei University

1. Background

As infrastructure and intervention, public health law provides a legal and administrative means that assure social conditions in which people can live healthy life. Since 2011, World Health Organization (WHO) Western Pacific Regional Office (WPRO) has been developing the regulatory framework to assess domestic public health law (for brevity 'Regulatory Framework') including the tool to assess health law (for brevity 'Analysis Tool') that Member States could use to analyse the comprehensiveness of their Public Health Laws. The assessment tool comprises 4 modules: (1) WHO International Digest of Health Legislation (IDHL); (2) Health System based on Primary Health Care (PHC) values; (3) International Health Regulation (IHR), and (4) Framework Convention on Tobacco Control (FCTC). Monitoring public health law and legal systems in countries as one tool to understand governance that supports the improvement of people's health is a major strategy for WHO/WPRO.

The tool was later pilot tested in five countries: Republic of Korea (KOR), Philippines (PHL), Vanuatu (VUT), Samoa (WSM) and Kingdom of Cambodia (KHM), has been updated based on the results and with expert input from two consultation meetings. The pilot tests confirmed that special consideration should be given the local researchers as well as the analysis of the assessment, such as quality control, analysis methods and implication of such to describe the local public health law and regulatory situation in a country. In 2013, in-country analysis of public health situation in five countries: Lao People's Democratic Republic (LAO), Malaysia (MYS), Mongolia (MNG), Papua New Guinea (PNG), and Solomon Islands (SLB) are ongoing. The tool can help people learn about both international and domestic law and identify possible gaps. It can also be used for capacity building of the officials, students, and other relevant personnel. Cross-country comparison can be made once sufficient data is collected.

2. Objective

This report aims to apply ‘Regulatory Framework’ and ‘Analysis Tool’ in seven countries: Viet Nam (VNM), Fiji (FJI), China (CHN), Singapore (SGP), Japan (JPN), Macao (MAC), and Hong Kong (HOK) to assess the current status of public health law and legislation in each of the countries.

3. Status of Updates of International Digest of Health Legislation (IDHL)

Table 1. International digest and other contact sources of health legislation in countries

WPRO countries	status	Other contact sources (Last Updated Date)
China	no-update	
Fiji	good	http://www.pacifichealthvoices.org/index.php?option=com_content&view=article&id=90:health-a-law&catid=40:archives&Itemid=106
Hong Kong(China)	no-update	
Japan	good	http://www.japaneselawtranslation.go.jp/law/?re=02
Macao(China)	no name	
Malaysia	not open	http://www.lexadin.nl/wlg/legis/nofr/oeur/lxwecam.htm 10 October 2010
Singapore	good	http://statutes.agc.gov.sg/
Viet Nam	no-update	http://www.lexadin.nl/wlg/legis/nofr/oeur/lxwevie.htm 7 April 2010 http://www.coombs.anu.edu.au/~vern/luat/luat.html http://www.asianlii.org/form/search1.html?mask=vn/legis/laws

4. List of Health Legislations in Countries

4.1. Japan

1. Small and Medium-Sized Enterprise Cooperatives Act
2. Long-Term Care Insurance Act
3. Act on Formation and Development of Regional Industrial Clusters through Promotion of Establishment of New Business Facilities, etc.
4. Act on the Succession to Labor Contracts upon Company Split

5. Act on Recycling, etc. of End-of-Life Vehicles
6. Volunteer Probation Officers Act
7. Insurance Business Act
8. Act on the Protection of Personal Information
9. Act on Promoting the Resolution of Individual Labor-Related Disputes
10. Child Welfare Act
11. Act on Authorization of Public Interest Incorporated Associations and Public Interest Incorporated Foundation
12. Immigration Control and Refugee Recognition Act
13. Ordinance for Enforcement of the Immigration Control and Refugee Recognition Act
14. Ministerial Ordinance to Provide for Criteria Pursuant to Article 7, paragraph (1), item (ii) of the Immigration Control and Refugee Recognition Act
15. Act on Penal Detention Facilities and Treatment of Inmates and Detainees
16. Penal Code
17. Act on the Collection, etc. of Insurance Premiums of Labor Insurance
18. Labor Standards Act
19. Ordinance for Enforcement of the Labor Standards Act
20. Industrial Safety and Health Act
21. Labor Union Act
22. Act for Securing the Proper Operation of Worker Dispatching Undertakings and Improved Working Conditions for Dispatched Workers
23. Order for Enforcement of the Act for Securing the Proper Operation of Worker Dispatching Undertakings and Improved Working Conditions for Dispatched Workers
24. Ordinance for Enforcement of the Act for Securing the Proper Operation of Worker Dispatching Undertakings and Improved Working Conditions for Dispatched Workers
25. Industrial Accident Compensation Insurance Act
26. Labor Relations Adjustment Act
27. Act on Welfare and Management of Animals
28. Act on the Evaluation of Chemical Substances and Regulation of Their Manufacture, etc.(Article 4 of the Supplementary Provisions unenforced, etc.)
29. Order for Enforcement of the Act on the Evaluation of Chemical Substances and Regulation of Their Manufacture, etc.
30. Act on Special Measures Concerning Nuclear Emergency Preparedness
31. Commodity Exchange Act
32. Ordinance for Enforcement of the Commodity Exchange Act
33. National Public Service Act
34. National Government Organization Act
35. Soil Contamination Countermeasures Act

36. Act on Promotion of Global Warming Countermeasures
37. Act on Earthquake Insurance
38. Law concerning the Exceptional Cases of the Medical Practitioners' Act, Article 17, on the Advanced Clinical Training of Foreign Medical Practitioners, etc.
39. Foreign Exchange and Foreign Trade Act
40. Standards for Establishment of Universities
41. Utility Model Act
42. Act on Domestic Animal Infectious Diseases Control
43. Act on the Promotion of Sorted Collection and Recycling of Containers and Packaging
44. Order on Inward Direct Investment, etc.
45. Cabinet Order on Inward Direct Investment, etc.
46. Industrial Standardization Act
47. Basic Act on Establishing a Sound Material-Cycle Society
48. The Constitution of Japan
49. Bank of Japan Act
50. Offenders Rehabilitation Services Act
51. Offenders Rehabilitation Act
52. Act on Control of Household Products Containing Harmful Substances
53. Act on the Regulation of Nuclear Source Material, Nuclear Fuel Material and Reactors
54. Forest and Forestry Basic Act
55. Quarantine Act
56. Act on the Treatment of Prisoners of War and Other Detainees in Armed Attack Situations
57. Act on Promotion of Private Finance Initiative
58. Fisheries Basic Act
59. Fire Service Act
60. Act on Confirmation, etc. of Release Amounts of Specific Chemical Substances in the Environment and Promotion of Improvements to the Management Thereof
61. Order for Enforcement of the Act on Confirmation, etc. of Release Amounts of Specific Chemical Substances in the Environment and Promotion of Improvements to the Management Thereof
62. Act on Regulation, Etc. of Emissions From Non-road Special Motor Vehicles
63. Patent Act
64. Basic Act on Crime Victims
65. Public Assistance Act
66. Basic Act on Biodiversity
67. Act on Improvement, etc. of Employment Management for Part-Time Workers
68. Act on Asbestos Health Damage Relief

69. Order for Enforcement of the Act on Special Measures Concerning Taxation(Limited to the provisions related to nonresidents and foreign corporations)
70. Employment Security Act
71. Ordinance for Enforcement of the Employment Security Act
72. Human Resources Development Promotion Act
73. Act on the Welfare of Workers Who Take Care of Children or Other Family Members Including Child Care and Family Care Leave
74. Administrative Procedure Act
75. Act on the Protection of Personal Information Held by Administrative Organs
76. Act on Access to Information Held by Administrative Organs
77. Product Liability Act
78. Act on the Promotion of Effective Utilization of Resources
79. Export Trade Control Order
80. Act on the Conservation and Sustainable Use of Biological Diversity through Regulations on the Use of Living Modified Organisms
81. City Planning Act
82. Act on the Prevention of Spousal Violence and the Protection of Victims
83. Mining Act
84. Banking Act
85. Services and Supports for Persons with Disabilities Act
86. Act on Securing, Etc. of Equal Opportunity and Treatment between Men and Women in Employment
87. Employment Insurance Act
88. Electronically Recorded Monetary Claims Act
89. Electricity Business Act
90. Food Safety Basic Act
91. Food Safety Commission Order
92. Food Sanitation Act
93. Order for Enforcement of the Food Sanitation Act
94. Ordinance for Enforcement of the Food Sanitation Act
95. Food, Agriculture and Rural Areas Basic Act

4.2. Viet Nam

1. Constitution of Vietnam 1992
2. Law on HIC/Aids Prevention and Control

Law Sources

- [APCEL primary legislation](#)
- [Allens Arthur Robinson Vietnam Laws Online Database](#)
- [Asianlii Laws of Vietnam](#)
- [Department of Geology and Minerals](#)
- [Department of Planning & Investment](#)
- [Dzungst & Associates](#)
- [General Department of Vietnam Customs](#)
- [Legislation on OSH National Institute of Labour protection](#)
- [Luat Vietnam](#)
- [Mekong Regional Law Center](#)
- [Ministry of Agriculture Ministry of Finance](#)
- [Ministry of Health](#)
- [Ministry of Planning and Investment](#)
- [Ministry of Transport](#)
- [Novexcn Laws of Vietnam](#)
- [VLC Vietnames Law Consultants](#)
- [Vietnam Law Documents](#)
- [Vietnam Legal Documents](#)
- [Vietnam's International Economic Integration : laws](#)
- [WorldLII : Vietnames Laws](#)

4.3. Singapore

1. (HEALTH PRODUCTS ACT)13. Import of health products
2. (HEALTH PRODUCTS ACT)33. Evaluation of health products
3. (HEALTH PRODUCTS ACT)37. Suspension and cancellation of registration
4. (DENTAL REGISTRATION ACT)21E. Practising certificate of oral health therapist
5. (DENTAL REGISTRATION ACT)21G. Correction of Register of Oral Health Therapists
6. (DENTAL REGISTRATION ACT)21H. Removal of name from Register of Oral Health Therapists
7. (DENTAL REGISTRATION ACT)36. Findings of Complaints Committee
8. (DENTAL REGISTRATION ACT)39. Reference and transfer of cases to Health Committee
9. (NATIONAL REGISTRY OF DISEASES ACT 2007)10. National public health programmes
10. (HEALTH PRODUCTS ACT)12. Manufacture of health products
11. (HEALTH PRODUCTS ACT)14. Wholesaling of health products

12. (HEALTH PRODUCTS ACT)16. Prohibition against supply of health products that are adulterated, counterfeits, etc.
13. (HEALTH PRODUCTS ACT)17. Supply of health products to be carried out in accordance with prescribed requirements
14. (HEALTH PRODUCTS ACT)35. Re-categorisation or reclassification of health products on application of registrant
15. (HEALTH PRODUCTS ACT)73. Supply and use of health products and active ingredients for veterinary purposes
16. (HEALTH PRODUCTS ACT)1. No Title
17. (MENTAL HEALTH (CARE AND TREATMENT) ACT 2008)FIRST SCHEDULE. FORM 1
18. (NATIONAL REGISTRY OF DISEASES ACT)10. National public health programmes
19. (WORKPLACE SAFETY AND HEALTH ACT)28. Workplace safety and health officers and co-ordinators
20. (WORKPLACE SAFETY AND HEALTH ACT)29. Workplace safety and health committees
21. (HEALTH PRODUCTS ACT)2. Interpretation
22. (MEDICINES ACT)77. Act not to apply to products categorised and regulated as health products under Health Products Act 2007
23. (DENTAL REGISTRATION ACT)2. Interpretation
24. (DENTAL REGISTRATION ACT)4. Functions of Council
25. (DENTAL REGISTRATION ACT)13. Registers
26. (DENTAL REGISTRATION ACT)21B. Application for registration as oral health therapist
27. (DENTAL REGISTRATION ACT)21F. Certificate of Registrar in relation to oral health therapists
28. (DENTAL REGISTRATION ACT)24. Liability of registered dentist or registered oral health therapist for allowing another to act in contravention of section 22, etc.
29. (DENTAL REGISTRATION ACT)42. Restoration of names to appropriate register

4.4. Fiji

1. Medical and Dental Practitioner Decree 2010
2. Fiji School of Medicine Act 1997
3. Health and Safety at Work (General Workplace Conditions) Regulations 2003
4. Radiation Health Decree 2009
5. Food Safety Act 2003
6. Medical Imaging Technologists Decree 2009
7. Mental Treatment Act [Cap 113]

8. [Public Hospitals and Dispensaries Act \[Cap 110\]](#)
9. [Fiji Medical Registration Form \(Fiji Ministry of Health website\)](#)
10. [Fiji Medical Council Temporary Registration of medical practitioners information](#)
11. [Fiji Ministry of Health Policies](#)

5. Health Law Coverage and Major Gaps

Table 2. Comparative Analysis Results – Yes/No Box

MODULE 1: International Digest of Health Legislation						
Questions		A	B	C	D	E
1.	Does your country have constitutional provisions relating to health?	<input type="radio"/>	<input type="radio"/>	<input checked="" type="radio"/>	<input checked="" type="radio"/>	<input type="radio"/>
2.	Does your country have law(s) relating to human rights and other fundamental rights that pertain to health?	<input type="radio"/>	<input type="radio"/>	<input checked="" type="radio"/>	<input checked="" type="radio"/>	<input type="radio"/>
3.	Does your country have law(s) relating to international treaties and other international instruments that pertain to health? (If so, please provide a brief overview of your legal system and explain how such international obligations are incorporated into the system. Also, please list the international treaties and instruments to which your country is a signatory.)	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
4.	Does your country have law(s) relating to the organization and/or administration of health care (e.g., general governmental health and public health agencies, including ministries, boards, councils)?	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
5.	Does your country have law(s) relating to health financing (e.g., taxation, social security, health insurance, cost containment)?	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
6.	Does your country have law(s) relating to health research (e.g., government support, permits)	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input checked="" type="radio"/>	<input checked="" type="radio"/>
7.	Does your country have law(s) relating to health education (e.g., information the public, health promotion, access to information)	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input checked="" type="radio"/>	<input checked="" type="radio"/>
8.	Does your country have law(s) relating to quality control of health workers (e.g., regulation and licensing, access, specialization, training and education, monitoring)?	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
9.	Does your country have law(s) relating to health care facilities, related institutions, and/or services?	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
10.	Does your country have law(s) relating to communicable diseases?	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
11.	Does your country have law(s) relating specifically to HIV/AIDS, including criminal laws, immigration laws, and/or family laws?	<input type="radio"/>	<input type="radio"/>	<input checked="" type="radio"/>	<input type="radio"/>	<input type="radio"/>
12.	Does your country have law(s) relating to organ	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input checked="" type="radio"/>

	transplantation and/or human tissues, including blood and blood products?					
13.	Does your country have law(s) relating to non-communicable diseases?	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input checked="" type="radio"/>	<input checked="" type="radio"/>
14.	Does your country have law(s) relating to oral health (e.g., fluoridation)?	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input checked="" type="radio"/>	<input checked="" type="radio"/>
15.	Does your country have law(s) relating to family health (e.g., family counseling, genetic counseling, maternal health and care programs, prenatal care, prenuptial examinations, sex education)?	<input type="radio"/>	<input type="radio"/>	<input checked="" type="radio"/>	<input type="radio"/>	<input type="radio"/>
16.	Does your country have law(s) relating to child health (e.g., abuse of children, adolescent health, child labor, daycare facilities, infant care, school health program)?	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
17.	Does your country have law(s) relating to human reproduction and/or population control?	<input type="radio"/>	<input checked="" type="radio"/>	<input checked="" type="radio"/>	<input checked="" type="radio"/>	<input type="radio"/>
18.	Does your country have law(s) relating to care of the elderly (e.g., basic care arrangements, geriatric programs, old-age homes)?	<input type="radio"/>	<input type="radio"/>	<input checked="" type="radio"/>	<input checked="" type="radio"/>	<input type="radio"/>
19.	Does your country have law(s) relating to care of the disable and/or rehabilitation (e.g., basic care arrangements, mobility and access arrangements, sheltered workshops)?	<input type="radio"/>	<input checked="" type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
20.	Does your country have law(s) relating to mental health?	<input type="radio"/>	<input checked="" type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input checked="" type="radio"/>
21.	Does your country have law(s) relating to the control of smoking and/or use of other tobacco products?	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
22.	Does your country have law(s) relating to the control of alcohol use?	<input type="radio"/>	<input checked="" type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input checked="" type="radio"/>
23.	Does your country have law(s) relating to the control of drug abuse (e.g., control of narcotics and other illegal substances, addiction treatment, criminalization)?	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
24.	Does your country have law(s) relating to biomedical ethics and/or professional responsibility (e.g., research ethics, confidentiality, advertising, codes of conduct, disciplinary measures, civil and/or criminal liability for wrongdoing)?	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input checked="" type="radio"/>	<input type="radio"/>
25.	Does your country have law(s) relating to death and dying (e.g., euthanasia, living wills, determination of death, registration of death)?	<input type="radio"/>	<input checked="" type="radio"/>	<input type="radio"/>	<input checked="" type="radio"/>	<input checked="" type="radio"/>
26.	Does your country have law(s) relating to post-mortem examinations?	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input checked="" type="radio"/>
27.	Does your country have law(s) relating to the disposal of the dead?	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input checked="" type="radio"/>
28.	Does your country have law(s) relating to nutrition (e.g., food fortification, infant foods, malnutrition, nutritional services and education)?	<input type="radio"/>	<input type="radio"/>	<input checked="" type="radio"/>	<input checked="" type="radio"/>	<input type="radio"/>
29.	Does your country have law(s) relating to food safety (e.g., adulteration and additives, inspection, irradiation, import and export controls, packaging and advertising, pesticides and veterinary pharmaceutical residues, handling and distribution)?	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>

30.	Does your country have law(s) relating to the safety of consumer products (e.g., toys, kitchen utensils, appliances, ceramics)?	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input checked="" type="radio"/>	<input type="radio"/>
31.	Does your country have law(s) relating to pharmaceuticals and/or related products?	<input type="radio"/>				
32.	Does your country have law(s) relating to traditional medicines?	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input checked="" type="radio"/>	<input type="radio"/>
33.	Does your country have country law(s) relating to medical devices?	<input type="radio"/>				
34.	Does your country have law(s) relating to poisons and/or other hazardous substances?	<input type="radio"/>				
35.	Does your country have law(s) relating to occupational health and safety?	<input type="radio"/>				
36.	Does your country have law(s) relating to environmental protection as it pertains specifically to human health (e.g., sanitary standards for housing, water/air quality, pollution, waste disposal)?	<input type="radio"/>				
37.	Does your country have law(s) relating to radiation protection?	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input checked="" type="radio"/>	<input type="radio"/>
38.	Does your country have law(s) relating to accident prevention (e.g., health requirements for drivers, educational programs, road safety, safety in air travel)?	<input type="radio"/>				
39.	Does your country have law(s) relating to sports and recreation (e.g., doping, safety/hygiene of swimming pools, sports medicine)?	<input type="radio"/>				
40.	Does your country have law(s) relating to health information (e.g., vital statistics, notification of disease), including provisions relating to the role of the private sector in obtaining and/or maintaining such information and statistics?	<input type="radio"/>	<input checked="" type="radio"/>	<input type="radio"/>	<input checked="" type="radio"/>	<input checked="" type="radio"/>
MODULE 2: Health Systems based on Primary Health Care Values						
Questions		A	B	C	D	E
1.	Does your country have law(s) mandating health authority to develop national health plans, policies, strategies, and/or frameworks?	<input type="radio"/>	<input checked="" type="radio"/>	<input type="radio"/>	<input checked="" type="radio"/>	<input type="radio"/>
2.	Does your country have law(s) mandating health authority to implement and monitor nation health plans, policies, strategies, and/or frameworks?	<input type="radio"/>	<input checked="" type="radio"/>	<input type="radio"/>	<input checked="" type="radio"/>	<input type="radio"/>
3.	Does your country have law(s) mandating health authority to engage in coalition-building with stakeholders outside the health sector?	<input type="radio"/>	<input checked="" type="radio"/>	<input type="radio"/>	<input checked="" type="radio"/>	<input checked="" type="radio"/>
4.	Does your country have law(s) relating to the provision of health financing (e.g., taxation, social security, health insurance, cost containment)?	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input checked="" type="radio"/>
5.	Does your country have law(s) relating to the provision of minimum health services for your citizens?	<input checked="" type="radio"/>	<input type="radio"/>	<input checked="" type="radio"/>	<input type="radio"/>	<input checked="" type="radio"/>
6.	Does your country have law(s) relating to safety-net	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input checked="" type="radio"/>	<input checked="" type="radio"/>

mechanisms for your citizens to protect them from financial disaster due to health expenditures?					
7. Does your country have law(s) relating to maintaining numbers of health workers (e.g., production, deployment and retirement, international recruitment)?	<input type="radio"/>	<input type="radio"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>
8. Does your country have law(s) relating to classification among various types of health workers?	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input checked="" type="checkbox"/>	<input type="radio"/>
9. Does your country have law(s) relating to the distribution of health workers?	<input type="radio"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="radio"/>
10. Does your country have law(s) relating to quality control of health workers (e.g., regulation and licensing, access, specialization, training and education, monitoring)?	<input type="radio"/>	<input checked="" type="checkbox"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
11. Does your country have law(s) relating to the protection of patients as health consumers (e.g. patient bill of rights, including access to services and medical technologies, right to receive health interventions at a time and location of their choosing)?	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>
12. Does your country have law(s) relating to monitoring the performance of your health system (e.g., quality control of services)?	<input type="radio"/>	<input checked="" type="checkbox"/>	<input type="radio"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>
13. Does your country have law(s) relating to the access of essential medicines?	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input checked="" type="checkbox"/>	<input type="radio"/>
14. Does your country have law(s) relating to quality control, cost effectiveness, safety, efficacy of medicines and medical technologies?	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input checked="" type="checkbox"/>	<input type="radio"/>
15. Does your country have law(s) relating to the access of vaccines?	<input type="radio"/>	<input type="radio"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>
16. Does your country have law(s) relating to quality control of vaccines (e.g., cold chain requirements)?	<input type="radio"/>	<input type="radio"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>
17. Does your country have law(s) relating to the use of information technology in health care?	<input type="radio"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>
MODULE 3: International Health Regulations (2005)					
Questions	A	B	C	D	E
1. Does your country have law(s) relating to the designation or establishment of a National IHR Focal Point? (See Article 4)	<input type="radio"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="radio"/>
2. Does your country have law(s) relating to the designation of the authorities responsible for public health risks and public health emergencies of international concern? (See Article 4)	<input type="radio"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="radio"/>
3. Does your country have law(s) relating to the capacities for surveillance and notification of public health risks and public health emergencies of international concern? (See Articles 5-10, Annex 1)	<input type="radio"/>	<input checked="" type="checkbox"/>	<input type="radio"/>	<input checked="" type="checkbox"/>	<input type="radio"/>
4. Does your country have law(s) relating to the capacities for public health response to public health risks and public health emergencies of international concern? (See Article 13, Annex 1)	<input type="radio"/>	<input checked="" type="checkbox"/>	<input type="radio"/>	<input checked="" type="checkbox"/>	<input type="radio"/>

5. Does your country have law(s) relating to the capacities for public health response at designated points of entry, including airports, ports, and ground crossings? (See Articles 19-22, Annex 1)	<input type="radio"/>				
6. Does your country have law(s) relating to health measures for travelers? (See Articles 23, 30-32, 35, 42-43)	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input checked="" type="checkbox"/>
7. Does your country have law(s) relating to certificates of vaccination or other prophylaxis for travelers? (See Article 36)	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input checked="" type="checkbox"/>	<input type="radio"/>
8. Does your country have law(s) relating to charges for health measures regarding travelers? (See Article 40)	<input type="radio"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="radio"/>	<input type="radio"/>
9. Does your country have law(s) relating to health measures for baggage, cargo, containers, conveyances, goods, postal parcels, and/or human remains? (See Articles 23, 33, 35, 43)	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input checked="" type="checkbox"/>	<input type="radio"/>
10. Does your country have law(s) relating to charges for health measures regarding baggage, cargo, containers, conveyances, goods, postal parcels, and/or human remains? (See Article 41)	<input type="radio"/>	<input checked="" type="checkbox"/>	<input type="radio"/>	<input type="radio"/>	<input checked="" type="checkbox"/>
11. Does your country have law(s) relating to the application of health measures on containers and/or container loading areas? (See Article 34)	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input checked="" type="checkbox"/>	<input type="radio"/>
12. Does your country have law(s) relating to the responsibilities of conveyance operators with respect to health measures? (See Articles 23, 24, 35, 42-43)	<input type="radio"/>				
13. Does your country have law(s) relating to health measures for conveyances in transit? (See Articles 23, 25-26, 27, 42-43)	<input type="radio"/>	<input type="checkbox"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
14. Does your country have law(s) relating to health measures for conveyances at points of entry? (See Articles 23, 27, 28-29, 35, 37-39, 42-43)	<input type="radio"/>	<input type="radio"/>	<input checked="" type="checkbox"/>	<input type="radio"/>	<input type="radio"/>
15. Does your country have law(s) relating to health documents for conveyances? (See Articles 37-39)	<input type="radio"/>	<input type="radio"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>
16. Does your country have law(s) relating to collaboration and assistance with other States Parties and/or WHO with regard to public health risks and public health emergencies of international concern? (See Article 44)	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>
17. Does your country have law(s) relating to the treatment of personal data received from another State Party and/or WHO with regard to public health risks and public health emergencies of international concern? (See Article 45)	<input checked="" type="checkbox"/>				
18. Does your country have law(s) relating to biological substances, reagents, and materials for diagnostic purposes with regard to public health risks and public health emergencies of international concern? (See Article 46)	<input type="radio"/>	<input type="radio"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>
MODULE 4: Framework Convention on Tobacco Control					
Questions	A	B	C	D	E

1. Does your country have law(s) relating to national tobacco control strategies, plans, or programs? (See Article 5)	X	?	?	?	?
2. Does your country have law(s) relating to the pricing and/or taxation of tobacco products? (See Article 6)	○	○	○	○	○
3. Does your country have law(s) relating to the protection from exposure to tobacco smoke? (See Article 8)	○	○	○	○	○
4. Does your country have law(s) relating to the regulation of the contents of tobacco products? (See Article 9)	○	○	○	X	X
5. Does your country have law(s) relating to the regulation of tobacco product disclosure? (See Article 10)	○	○	○	○	X
6. Does your country have law(s) relating to the packaging and labeling of tobacco products? (See Article 11)	○	○	○	○	○
7. Does your country have law(s) relating to education, communication, training, and/or public awareness of tobacco issues? (See Article 12)	○	○	X	X	○
8. Does your country have law(s) relating to tobacco marketing, including advertising, promotion, and sponsorship? (See Article 13)	○	○	○	○	○
9. Does your country have law(s) relating to tobacco dependence and cessation? (See Article 14)	X	○	X	X	?
10. Does your country have law(s) relating to illicit trade in tobacco products? (See Article 15)	○	○	○	X	○
11. Does your country have law(s) relating to sales to and by minors? (See Article 16)	○	○	○	○	X
12. Does your country have law(s) relating to the provision of support for economically viable alternatives for tobacco workers, growers, and/or individual sellers? (See Article 17)	○	○	X	X	X
13. Does your country have law(s) relating to the protection of the environment and the health of persons in respect of tobacco cultivation and manufacture? (See Article 18)	○	○	X	X	X
14. Does your country have law(s) relating to criminal and/or civil liability, including compensation, with respect to tobacco products? (See Article 19)	○	○	X	○	X
15. Does your country have law(s) relating to research, surveillance, and exchange of information with respect to tobacco consumption? (See Articles 20-22)	○	?	X	X	X

6. Results of Contents Analysis

6.1. Primary Health Care

The WHO Constitution states that “the enjoyment of the highest attainable standard of health is one of the fundamental rights of every human being”. Effective and efficient health systems contribute to the progressive realization of that right. Health systems do better at attaining that

standard if they are underpinned by core values such as equity, social justice, universality, people-centredness, community protection, participation, scientific soundness, personal responsibility, self-determination and self-reliance. The four goals of a health system are:

- (1) health, both the absolute level across the entire population and equity across socioeconomic groups;
- (2) social and financial risk protection in health;
- (3) responsiveness and people-centredness;
- (4) efficiency.

Primary health care is closely related to but not synonymous with primary care. A strong primary care system is the foundation for a health system based on PHC values, but secondary and tertiary services that connect to the primary care system are also vital.

6.2. Laboratory Services

Efficient and reliable health laboratory services are an essential and fundamental component of any strong and effective health system and its goal to improve health. Reliable and timely results from laboratory investigation are crucial in decision-making in almost all aspects of health services.

Major issues in health Laboratories in the Asia Pacific Region in leadership and governance are:

- (1) Low priority of laboratory services in national health strategy;
- (2) Absence of national laboratory policy and strategic plan;
- (3) Inadequate or weak implementation of laboratory regulations; and
- (4) No national laboratory programme and/or focal point or structured responsibility to monitor laboratory services.

6.3. AIDS/HIV

The present document is a compilation of some of the laws that can help create a legal environment which enables universal access to HIV prevention, treatment, care and support (i.e. protective laws) or that can block such access for people living with HIV, sex workers and their clients, men who have sex with men and people who use drugs (i.e. punitive laws). Corrections to the information herein are welcome and will be reflected in any future update of this document.

- (1) Punitive law or lack of protective law
- (2) Protective law or lack of punitive law
- (3) Contradictory information
- (4) Information not available
- (5) Death penalty as sanction under punitive law

A. Laws and regulations that protect people living with HIV against discrimination

B. Non-discrimination laws or regulations that specify protections for vulnerable subpopulations

C. Laws, regulations or policies that present obstacles to access to prevention, treatment, care and support for vulnerable subpopulations

- D. HIV-specific restrictions on entry, stay or residence
- E. Laws that specifically criminalize HIV transmission or exposure
- F. Laws that criminalize same-sex, sexual activities between consenting adults
- G. Laws deeming sex work («prostitution») to be illegal
- H. Laws that impose compulsory treatment for people who use drugs and/or provide for death penalty for drug offences

6.4. NCD

The Pacific region faces a significant health crisis because of the rapid growth of the incidence of Non Communicable Diseases (NCDs). Pacific Island Countries and Territories are among the countries worst affected by NCDs. While the reasons for this situation are complicated and different between PICTs, there is a shared need for immediate and long term action.

- (1) Advertising bans and content controls
- (2) Regulation physical availability
- (3) Minimum legal purchase age
- (4) Government monopoly of retail sales
- (5) Hours and days of sale restrictions
- (6) Restrictions on density of outlets
- (7) Server legal liability
- (8) Taxation and pricing
- (9) Alcohol taxes regulating alcohol promotion

6.5. Reproductive Health

Sexual and reproductive health is now widely understood to be a holistic concept that encompass physical, mental and social wellbeing in all matters relating to sexuality and reproduction. This approach aims to enable men and women to make healthy, voluntary and safe sexual and reproductive choices. As such, it is framed by a commitment to human rights and gender equality¹. Basic legal context has the state ratified the following international treaties recognizing the right to health:

- (1) ICESCR : International Covenant on Economic, Social and Cultural Rights
- (2) CRC : Convention on the Rights of the Child
- (3) CEDAW : Committee on the Elimination of Discrimination against Women
- (4) ICERD : International Convention on the Elimination of all forms of Racial Discrimination

6.6. Gender-Base Violence

Gender-based violence (GBV) has long remained a feature of family and social life, about which society has preferred to remain silent. GBV takes many forms and affects a large number of

¹ Integrating Poverty and Gender into Health Programmes, A sourcebook for Health Professionals. Module on Sexual and Reproductive Health, WHO, WPRO, 2008, p2

women from all parts of the world at different points in their life cycle, from infancy and childhood to adulthood and old age. In recent decades, much has been done to gather evidence on the dimensions of the problem and promote awareness on the seriousness of the issue. National and international organizations have dedicated resources not only for research and advocacy but also for the development of strategies and policies to prevent and address gender-based violence at the local, national and international level².

6.7. Ageing

Encourages Governments to incorporate the following principles into their national programmes whenever possible:

- (1) Older persons should have access to adequate food, water, shelter, clothing and health care through the provision of income, family and community support and self-help.
- (2) Older persons should have the opportunity to work or to have access to other income-generating opportunities.
- (3) Older persons should be able to participate in determining when and at what pace withdrawal from the labour force takes place.
- (4) Older persons should have access to appropriate education.

6.8. Rehabilitation

The number of people with disabilities is growing as a result of factors such as population growth, ageing, emergence of chronic disease, and medical advances that preserve and prolong life. The most common causes of impairment and disability include : chronic diseases such as diabetes, cardiovascular disease and cancer; injuries due to road traffic accidents, violence, falls and landmines; birth defects; malnutrition ; and communicable diseases such as HIV/AIDS and leprosy. These are creating unprecedented demand for health and rehabilitation services, much of which is unmet, particularly among the poor and other disadvantaged groups. Also, the economic and social costs of attending to the needs of people with disabilities are enormous.

Community-based rehabilitation (CBR) has been developed and prompted by WHO as a strategy for rehabilitation, equalization of opportunities and social inclusion of people with disabilities. Current efforts are guided by the WHO Action plan on disability and Rehabilitation(2006-2011). The CBR component includes the development of guidelines for implementing CBR, the conduct of regional workshop for promoting CBR and the guidelines, and support provided to Member States for initiating and /or strengthening CBR programmes.

6.9. Mental Health

Mental disorders account for a significant burden of disease in all societies. Major reforms in public health generally and in mental health specially have taken place recently. Effective

² Integrating Poverty and Gender into Health Programmes, A sourcebook for Health Professionals. Module on Gender-Based Violence, WHO, WPRO, 2005, p2

interventions are increasingly available but, unfortunately, not accessible to the majority of those who need them. The World health report 2001 makes a compelling case for addressing the mental health needs of populations. It argues that interventions can be made accessible through changes in policy and legislation, service development, adequate financing and the training of appropriate personnel. Recommendations to achieve mental health for all are:

- (1) Provide treatment in primary care
- (2) Make psychotropic drugs available
- (3) Give care in the community
- (4) Educate the public
- (5) Involve communities, families and consumers
- (6) Establish national policies, programmes and legislation
- (7) Develop human resources
- (8) Collaborate with other sectors
- (9) Monitor community mental health

Context of mental health legislation is:

- (1) Legislation is complementary to mental health policies, plans and programmes, and can serve to reinforce policy goals and objectives.
- (2) Persons with mental disorders are a vulnerable segment of society and they need special protections.
- (3) Mental health legislation is necessary for protecting the rights of persons with mental disorders in institutional settings and in the community.
- (4) Mental health legislation is more than just "care and treatment" legislation. It provides a legal framework for addressing critical mental health issues such as access to care, rehabilitation and aftercare, the full integration of people with mental disorders into the community, and the promotion of mental health in different sectors of society.
- (5) Governments are under an obligation to respect, promote and fulfill the fundamental rights of people with mental disorders, as outlined in binding international and regional human rights documents.
- (6) Legislative issues pertaining to mental health care can be consolidated into one single statute or they may be dispersed in different legislative documents.
- (7) Progressive mental health legislation should incorporate human rights protections, as included in international and regional human rights documents and technical standards. Legislation should also enable the achievement of public health and health policy objectives.

6.10. Alcohol

In May 2005, growing concerns about alcohol-related harm led WHO Member States to adopt a report and a resolution at the Fifty-eighth World Health Assembly (WHA) on public Health problems Caused by the Harmful Use of Alcohol (WHA58.26). The resolution refers to the alarming "extent of public health problems associated with harmful consumption of alcohol and the trends in hazardous drinking, particularly among young people in many Member States." It requests Member States "to develop, implement and evaluate effective strategies and programmes

for reducing the negative health and social consequences of harmful use of alcohol." In May 2008, the WHA again passed an alcohol resolution calling for a WHO-sponsored Global Strategy to Reduce the Harmful Use of Alcohol (WHA61.4). Following a broad consultation process, the Global Strategy to Reduce the Harmful Use of Alcohol was adopted at the World Health Assembly in May 2010.

In light of the global strategy, many countries are developing national alcohol policies and action plans, and considering legislation to give effect to these policies. In implementing the global strategy, each country will consider which evidence-based policies and legislative options are appropriate and feasible to adopt. The strategy emphasizes that policy effectiveness depends on using a combination of effective measures together. The guide provides legislative advice for implementing policies;

- (1) To reduce the affordability of alcohol through policies on taxation and price;
- (2) To reduce the availability of alcohol by restricting and/or regulating the sale of alcohol to the public;
- (3) To reduce alcohol consumption by children and young people by setting a minimum age for sale and purchase;
- (4) To monitor and enforce alcohol marketing; and
- (5) To deter drinking and driving

Alcohol legislation should be undertaken with careful consideration of local circumstances and the preparation of an implementation plan.

6.11. Drug

The international drug control regime is based on three United Nations treaties:

- (1) The Single Convention on Narcotic Drugs (1961). The convention aims at combating drug abuse by coordinating international action. First, it seeks to limit the possession, use, trade, distribution, export, manufacture and production of drugs exclusively to medical and scientific purposes. Second, it combats drug trafficking through international cooperation designed to deter and discourage drug traffickers. Finally, Article 38 specifies that "Parties shall give special attention to, and take all practicable measures for, the prevention of abuse of drugs and for the early identification, treatment, education, after-care, rehabilitation and social reintegration of the persons involved". Therefore, medical care of people who use drugs may include all the tools required to treat the adverse health consequences of substance abuse.
- (2) The Convention on Psychotropic Substances (1971). It established an international control system for psychotropic substances. It introduced controls over a number of synthetic drugs according to their abuse potential, on the one hand, and their therapeutic value on the other.
- (3) The Convention against Illicit Traffic in Narcotic Drugs and Psychotropic Substances (1988). It implements comprehensive measures against drug trafficking. It provides for international cooperation through the extradition of drug traffickers, controlled deliveries

and transfer of proceedings. Article 14(4) indicates that "Parties to the Convention shall adopt appropriate measures aimed at eliminating or reducing illicit demand for narcotic drugs and psychotropic substances, with a view to reducing human suffering ... which includes interventions to counteract the social and health consequences of drug dependence.

The first two conventions predate the HIV/AIDS epidemic, while the third one predates the explosive global growth of injection drug use. Hence, while they benefit from considerable international support, these conventions may need to be revised today because some of their provisions affect the control of the HIV epidemic.

In the 1993, to help rectify this contradiction, the International Narcotics Control Board acknowledged that harm reduction had a role to play in a tertiary prevention strategy for demand reduction purposes. However, the Board pointed out that while harm reduction programmes could play a part in a comprehensive drug demand reduction strategy, it could not be carried out at the expense of – or considered a substitute for – other important activities designed to reduce the demand for illicit drugs, for example drug abuse prevention activities. Similarly, the 1998 UNGASS report noted that it would focus more on "conservative opinions of how to address the problems of drug abuse and little place, if any, [would] be given for including the results of more innovative methods such as harm-reduction". However, the drug conventions are still consistently used by many governments as a basis to deny harm reduction services.

6.12. Abortion

At the 1994 International Conference on Population and Development (ICPD) in Cairo, unsafe abortion was identified as a major public health concern and governments agreed to work for its elimination. The plan of action included better access to modern contraceptive methods, to high-quality post-abortion care (needed for treating the complications of miscarriages as well as those of unsafely induced abortions), and to safe abortion services to the full extent permitted by local laws. The United Nations General Assembly's special session in 1999 (ICDP + 5) stated that " in circumstances where abortion is not against the law, health systems should train and equip health service providers and should take other measures to ensure that such abortion is safe and accessible"³.

Abortion is legal, on varying grounds, in many countries, but even policy-makers and professionals are often only vaguely aware about what the law permits and what it does not. Where legislation is less restrictive, there are, in principle, more possibilities for women to terminate an unwanted pregnancy under safe conditions.

6.13. Water, Sanitation and Food

³ The World Health Report 2005. Make every mother and child count, p 51

The Western Pacific Region has made great strides in improving access to clean water and sanitation in recent years. On average, the Region is making significant progress towards meeting the Millennium Development Goal for clean water and adequate sanitation. However, these averages mask striking inequalities in access to clean water and adequate sanitation across and within countries in the Region. Evidence shows that poor individuals and households in rural and remote communities and urban poor areas are significantly less likely to enjoy access to sufficient amount of secure and affordable clean water and adequate sanitation than those who are better-off. In addition, men and women's needs, access to and use of adequate water and safe sanitation tend to differ⁴.

6.14. Pharmaceuticals

A computerized drug registration and information system will greatly reduce the amount of clerical errors that abound in most manual systems. Management information reports can easily be prepared when using a computerized system. Legislation establishes the general framework for the government to act. It is the legal basis that creates the drug regulatory authority in the country. From the legislation, a regulation document is prepared that outlines the operating procedures. It is essential, therefore, that legislation and regulation are clear and well articulated. It highlights the general regulatory background with respect to pharmaceutical reimbursement for a number of countries. As can be seen from this table, there is no general consensus on the use of cost-effectiveness as part of reimbursement across the countries indicated.

- (1) Conditional/limited reimbursement exists
- (2) National guidelines on pharmacoconomics
- (3) Pharmacoconomics used in pricing decisions
- (4) Drugs budget funded by National/Regional
- (5) Co-payment culture exists
- (6) Capped profits/sales rebates
- (7) Company free to set launch price

7. Lessons Learned and Future Direction

For future directions, we have many ideas. One of them is Concept of Levels in the development of analysis tool. It can be considering the level concept. Level 1 can be IDHL To assess health legislation coverage, Level 2 is for checking domestication of International health law, Level 3 is to check Global WHO health policies or standards in domestic health legislation such as EPI program, Level 4 is To check Regional WHO health policies or standards in domestic health legislation such as NCDs.

Second suggestion is matching with law typology, legal hierarchy, and health legislations in countries. Constitutional Provision adopted by the government. Primary legislation enacted by the main law-making body of the government (e.g., parliament). It can be divided strongly health

⁴ Integrating Poverty and Gender into Health Programmes, A sourcebook for Health Professionals. Module on Water, Sanitation and Food, WHO, WPRO, 2009, p2

related legislations, indirectly health related legislations, and just mentioning 'health'. Subsidiary legislation promulgated by executive bodies (ministries, agencies) By-laws issued by local authorities (city councils, district offices) International instruments signed and ratified by country which are also categorized 1) strongly health related legislations such as IHR, FCTC, 2) indirectly health related legislations such as universal declaration of human rights.

For Establishment of Public Health Law Network, there are three options. First is establishing Regional Health Law Forum (HLF) consist of health law experts and specialists, local researchers, policy makers and law makers, and government. Second is establish Parliamentary Committee of Law Makers in Health. In WPRO, Parliamentary Forum for Global Health was initiated on April, 2013. Last ways is using the Regional Committee Meeting (RCM) annually. High-level government officers of Ministry of Health in Region are convened once a year. Countries with similar legal systems, status of legal development, health law capacity or having, specific health agendas can be grouping. Also, side meetings or seminars could be organized to support their effort in upgrading their health law capacity.

New website and databases can be created. In EU system, European Public Health Law Network was established in 2007 as part of the European Union (EU) co-funded Public Health Law Flu Project. We are also considering development of website and database on public health law containing statutes itself, results of analysis, information on seminars and meetings, discussion groups debating the latest information

Last idea is enactment of Model Law and domestication of International Health Law. Like a WHO Model Lists of Essential Medicines, essential health legislation list can be establishment. Development of model public health law(s) for the region is also possible. Such a model public health law is defined as public health law(s) or private policies publicly recommended by at least one organization for adoption by government bodies or by specified private entities. Developing the model public health law can affect the domestication of international health law which can possibly contribute to the establishment of regulatory frameworks supporting global and domestic health governance.