

Jamaica



Summary of Findings

1. INDUSTRY PARTICIPATION IN POLICY DEVELOPMENT

The government invited key stakeholders, including the tobacco industry (TI), to make submissions on the Tobacco Control Bill. However, there is no evidence that the government endorsed policies or legislation drafted by or in collaboration with the TI.

2. INDUSTRY CSR ACTIVITIES

Carreras has conducted multiple CSR activities over the years. These include handing out 90 scholarships worth \$20 million in 2022, contributions towards COVID-19 relief, and a national Labour Day tree-planting project with the Forestry Department. There is clear evidence of the government's involvement in TI CSR activities in some instances.

3. BENEFITS TO THE INDUSTRY

Deliberations on the Tobacco Control Bill have suffered delays due to numerous postponements, some of which might be attributable to interference from the TI. While there was only one recorded public instance of government admissions of attempts from the TI to request delays in the Tobacco Control Bill, the authors of this document are aware of several private occasions where the request was made through correspondence to members of the Joint Select Committee. The committee however did not refer to these correspondences when identifying factors contributing to the delays. On balance, the delays have invariably worked to the benefit of the TI.

4. UNNECESSARY INTERACTION

While there is no record in the public domain, there is reason to believe that the government fostered questionable

relations with the TI. The National Insurance Fund is a major shareholder in Carreras. The state-owned pension fund will be obligated to divest its stakes from the tobacco company when the Tobacco Control Bill is enacted.

5. TRANSPARENCY

As part of its non-price demand reduction measures, the government requires the TI to make annual disclosures of prescribed information to the Minister of Health. These include business contact information, national sales volumes, the distribution and supply chain, ingredients, and product characteristics.

6. CONFLICT OF INTEREST

There appears to be no conflict of interest between the TI and government officials in the public sphere (recorded or available). While the current legislation does not have any prohibition on contributions from the TI or related entities to political parties or candidates, the proposed Tobacco Control Act (2020) includes a provision that prohibits individuals employed in public bodies from soliciting or accepting contributions of any kind from the TI.

7. PREVENTIVE MEASURES

The government has laid the foundation, through the Tobacco Control Bill, for disclosing interaction with the TI. There is evidence of a draft code of conduct for public officials in their dealings with the TI, however, there is no evidence of this draft being advanced. The TI is required to provide some information, but not all, and there is an inferred commitment to protect tobacco control policies from TI interference. There is no specific policy to disallow contributions from the TI, but such interactions will be monitored under the proposed Tobacco Control Act (2020).



Recommendations

1. Create a national tobacco control strategy that outlines a clear roadmap for achieving the country's tobacco control objectives. This strategy should outline clear measurable targets (such as mechanisms for enforcement of the tobacco control regulations and a public education campaign), timelines, and indicators for monitoring progress. Additionally, it should be managed by a dedicated team of professionals in the Ministries, Departments and Agencies which are responsible for its implementation to ensure accountability. The national tobacco control strategy should be implemented within 12 months of the enactment of the proposed Tobacco Control Act (2020) and should be reviewed and updated regularly to maintain relevance.
2. Enact the proposed Tobacco Control Act (2020) that prohibits individuals employed in public bodies from soliciting or accepting contributions of any kind from the TI. The Bill should also be strengthened by requiring the TI to disclose more information about affiliated organizations and prohibiting the TI from making political contributions. This should be done by the end of 2023 and should be accompanied by public awareness campaigns to educate the public and stakeholders about the key elements of the new legislation.
3. Revise and implement the code of conduct for all public officials (with respect to Article 5.3 of the WHO FCTC) in their dealings with the TI, including clear guidelines on how to handle conflicts of interest. This should be implemented within 12 months of the enactment of the proposed Tobacco Control Act (2020) and should be accompanied by mandatory training for all public officials to ensure effectiveness.
4. Develop and implement a monitoring and evaluation system to track progress on the implementation and enforcement of the proposed Tobacco Control Act (2020) and other related policies. This system should be in place by the end of 2023 and should be reviewed and updated annually with evidence-based data to ensure accuracy and credibility. This system would be useful in providing suitable background information on the efficacy of tobacco control measures in Jamaica.