

Jamaica



SUMMARY OF FINDINGS

1. Industry Participation in Policy Development

During the government's deliberations on the Tobacco Control Act (the Bill) between 2020 and 2023, several key stakeholders, including the tobacco industry (TI), were invited to submit inputs for the committee's consideration. While the TI made submissions, there is no evidence that the government endorsed policies or legislation drafted by or in collaboration with the TI.

2. Industry CSR Activities

Efforts have been made to prevent the endorsement, support, or partnership with the TI, particularly within the health sector. However, more needs to be done to sensitize other sectors about TI tactics, the adverse impact of tobacco consumption, the negative social and economic implications of tobacco advertising, promotion, and sponsorship, and the need to uphold Jamaica's obligations under the WHO FCTC.

During deliberations of the Joint Select Committee, the Chairman (the Minister of Health and Wellness) expressed displeasure at TI advertisements placed near educational institutions. He voiced support for stronger penalties for the sale of tobacco products to children and explicitly objected to any TI-related corporate social responsibility (CSR) activities.

3. Benefits to the Industry

The finalization of the Bill enabling the Tobacco Control Act has faced significant delays due to repeated postponements. While no direct evidence links these delays to TI interference, such influence often occurs behind the scenes and is difficult to document. Nevertheless, the prolonged timeline has effectively benefited the TI by deferring the implementation of stricter regulatory measures.

The Minister of Health and Wellness has raised concerns over the growing accessibility of tobacco products among young people, particularly the rising popularity of e-cigarettes, and emphasized the urgency of fully implementing the legislation. However, the delays and the apparent shift in narrative, from government responsibility to framing tobacco use as a matter of "personal choice," align with TI interests by reinforcing the notion that consumption is a deliberate decision by consumers.

4. Unnecessary Interaction

There is no publicly available evidence of government officials attending social functions sponsored or organized by the TI. However, Carreras Limited claimed to have contributed to combating illicit trade in Jamaica through participation in the re-establishment of an Anti-Contraband Committee, a multi-stakeholder body involving government and private actors. The company alleged that the committee aimed to raise awareness and address illicit trade and duty-free cigarette sales in the local market. Senior officials at the Ministry of Health and Wellness, however, were unaware of or unable to confirm the existence of such a committee.



5. Transparency

The proposed Bill introduces provisions requiring disclosure from the TI regarding manufacturers, distributors, and sellers. This includes business details, sales volumes, distribution and retail information, and product specifics.

6. Conflict of Interest

The Public Health (Tobacco Control) Regulations of 2013 do not prohibit contributions from the TI or its affiliates to political parties, candidates, or campaigns, and they do not require full disclosure of such contributions.

7. Preventive Measures

The Public Health (Tobacco Control) Regulations of 2013 contain limited provisions for disclosure but do not fully align with Article 5.3 of the WHO FCTC. To address these gaps, the proposed Tobacco Control Bill introduces stronger preventive measures to regulate interactions between public officials and the TI. While no specific policy currently prohibits TI contributions, the adoption of the Bill would enable more comprehensive regulation of such engagements.

RECOMMENDATIONS

1. Re-establish a multi-stakeholder tobacco control working group to support a whole-of-government and cross-sectoral approach. This body should play a key role in monitoring TI interference and ensuring accountability across all relevant sectors.
2. Develop a national tobacco control strategy that includes regular sensitization sessions with senior officials on Article 5.3 of the WHO FCTC. These should highlight the risks of TI interference in policymaking and promote the existing Tobacco Control Regulations and the proposed Bill.
3. Update and enforce a code of conduct for all public officials aligned with Article 5.3 of the WHO FCTC, including clear rules for identifying and managing conflicts of interest.
4. Adopt the strong, evidence-based provisions under the Bill to ensure broad application of Article 5.3 of the WHO FCTC, transparency, and accountability of public officials and agencies.
5. Allocate sufficient budgetary resources to support ongoing efforts to raise awareness of Article 5.3 of the WHO FCTC, strengthen stakeholder engagement, and build capacity to address TI interference.