



Jamaica Coalition for Tobacco Control

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Protecting the Health of Jamaicans - the Framework Convention on Tobacco Control

We note the full page articles this week in both daily newspapers from Carreras, regarding statements made by Minister of Health at a recent World Health Organisation (WHO) meeting in Kingston.

Jamaica has been moving forward with plans for fully implementing the articles of the WHO treaty – The Framework Convention on Tobacco Control (FCTC). Following a recent FCTC Needs Assessment exercise, gaps in FCTC implementation were highlighted.

One such area was Article 5.3 which speaks to the “protection of public health policies with respect to tobacco control from commercial and other vested interests of the tobacco industry”.

Among other things, the report noted that:

“In meeting with representatives of various government ministries and agencies, the international team found that the tobacco industry still interferes with the development of public policies, and sponsors diverse activities and implements community-based projects described by the industry as “Corporate Social Responsibility”, often in direct or indirect partnership with government agencies. In many cases, government officials are not aware of these activities or do not perceive them to be a conflict of interest. In some cases, the tobacco industry is viewed as a legitimate stakeholder.”

The report also noted that civil society, in collaboration with the Ministry of Health, has carried out sensitization activities in order to promote the requirements of Article 5.3 among public officials and agencies. Further, the NGOs working in tobacco control have also brought to public attention any known conflicts of interest with the tobacco industry.

The Ministry of Health in collaboration with PAHO/WHO has also employed avenues for sensitizing public officials about the importance of adherence to Article 5.3, including through the hosting of a High Level Inter-Ministerial meeting in April 2014.

The report recommended that the Government of Jamaica:

- (i) *in collaboration with civil society, continue to raise awareness on protection of public health policy from the vested interests of the tobacco industry among all government agencies and public officials;*
- (ii) *include the obligations under Article 5.3 in comprehensive tobacco control legislation, based on the Guidelines for implementation of Article 5.3 of the WHO FCTC;*

Member Organizations:

Association of General Practitioners of Jamaica • Caribbean College of Family Physicians, Jamaica Chapter
Caribbean Public Health Association • Diabetes Association of Jamaica • Jamaica Cancer Society • Jamaica Dental Association
Nurses Association of Jamaica • The Heart Foundation of Jamaica • The Medical Association of Jamaica

- (iii) *establish codes of conduct for government officials to regulate their dealings with the tobacco industry and ensure that government bodies only interact with the tobacco industry only when and to the extent strictly necessary to enable them to effectively regulate the tobacco industry and tobacco products; and*
- (iv) *establish mechanisms to monitor interactions as well as real and perceived conflicts of interest between public officials and agencies and the tobacco industry. These mechanisms can be required as part of the comprehensive legislation or any relevant regulation developed to complement comprehensive legislation.*

The Minister's intent was to sound a warning to Government colleagues about Article 5.3 and the importance of complying with this Article as we move forward with implementing comprehensive tobacco control legislation. We have had several instances of tobacco interference which has sought to delay the tobacco control agenda for Jamaica. There are plans for another high level stakeholders meeting on Article 5.3 for June 2015.

We note that Carreras states that the Guidelines for Article 5.3 are not binding, when in fact they are. Jamaica formally became a party to the FCTC in 2005. By becoming a party to the Convention, Jamaica agreed to implement measures in accordance with its provisions, which includes Article 5.3. The WHO FCTC states that:

"Parties have a fundamental legal obligation to interpret and implement the Convention in good faith. The obligation of good faith in the observance of international agreements is universally recognized and is included in Article 26 of the Vienna Convention on the Law of Treaties".

Therefore the FCTC sets a floor, not a ceiling, for national and international tobacco control efforts.

One other important area highlighted by the FCTC needs assessment document was the increase in tobacco taxes, and this was successfully done in March 2016, with the excise tax being increased by 14%. We congratulate the Government on this move. Increasing the real (i.e. inflation adjusted) price of tobacco is the single most effective measure in reducing tobacco use among youth and adults alike.

The health of Jamaicans must take priority over the vested interest of a few. Health is NOT negotiable.

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